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LOCAL MIGRATION IN TANGANYIKA

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The writer of the following article was entrusted in 1940 by the Tanganyika Government with an investigation into local migration by the Nyakyusa of the Rungwe District into the Mbeya District. The terms of reference covered the causes of the exodus and whether they were likely to be temporary or permanent; the extent of the influx into Mbeya District; and the effect of the infiltration upon tribal life and good government in Mbeya District. The article represents a condensation of the report submitted in late 1941, omitting almost all the statistical material and the detailed administrative measures which were proposed. It is published with the consent of the Tanganyika Government.

INTRODUCTION

The broad terms of the problem are that up to the year 1938 some 2100 families had migrated from the Rungwe District to tribal lands in the neighbouring chiefdoms of the Mbeya District, a figure which has now (in late 1941) increased to 3000. In the main, the movement has been very recent, only about a fifth of the present total having moved prior to 1930. The indigenous families of the chiefdoms into which the main movements have occurred number approximately 14,000, so that the immigrants total 17 per cent of the whole population at least, probably more, since they are believed to be more prolific. The culture of the immigrants differs from that of the indigenous tribes and accordingly, save that interaction has begun in the areas of earliest movement, they have remained largely unassimilated. The situation now is that in the Usafwa and Usongwe chiefdoms, east and west of Mbeya, there is an average population density of over 100 persons to the square mile in the areas of immigration, with a maximum of over 400 to the square mile in one village near Mbeya: that there are areas of congestion in north-east Umalila and central Unyiha: and that throughout, with a few unimportant exceptions, the chiefs and headmen are at one in urging that further immigration be checked. Quite apart from the essential need to prevent further congestion, the tribe has a right to control its composition particularly in the case of alien Natives who are only very slowly assimilated.

From the point of view of the future, a reserve of land is essential; and more immediately important there is so much leeway to be made up in soil conservation and forest protection, that a moratorium on further development is essential.

The Mbozi farms and their environs in Unyiha provide a special problem in that there are as many Nyakyusa resident as labourers on farms as on tribal lands. Over 40 per cent of these have been resident for three years or more and, while a number will still return home after staying for a longer time, a hard core of genuine resident labourers is appearing which regards Mbozi as its land of adoption. Many have hitherto moved

after a time on to tribal lands, on which there is now no place for them. They have no security of tenure and no settled rights and duties. At the same time, they are an essential part in the scheme of non-Native development in Mbozi, the indigenous population having proved, in general, unsuited to work on the coffee farms.

I. GENERAL

(a) *Definition.* For the purpose of this report, the term "Nyakyusa" is given the meaning assigned to it by the people of the Mbeya District. It includes the Nyakyusa, who form only a small percentage of the immigrants, and the culturally similar Kukwe (Itagata, Katumba, and Ikama chiefdoms), Penja (Katumba chiefdom), Nyiha (Katumba chiefdom), Selya (Lupata chiefdom), and Ndali (Undali chiefdom). Migration of Malila and Lambia (Ulambia chiefdom) will be referred to, but specifically and not as of Nyakyusa.

(b) *Extent and value of statistics.* In the course of a general re-assessment for Native tax in the Mbeya District in 1938/39, it became apparent that figures of immigration supplied in 1930 were an exaggeration. This was due to clerks having entered the name of every Native, from whom tax was collected, in the assessment rolls, regardless of whether he was resident in the District or not. The error was particularly marked in Usafwa where nearly twice the number of alien Natives, actually resident at that time, appeared in the rolls, and in Unyiha, where temporary squatters on farms were included.

Lists of immigrants into the Mbeya District were compiled in mid-1940, arising from an administrative decision that immigrants to the chiefdoms of Usafwa, Usongwe, Umalila, and Unyiha should be called upon to take out formal permits to reside, in token of their subjection to the indigenous Native Authorities. The lists are of varying completeness. For Usafwa, omissions were very few, close supervision having been exercised. In the other chiefdoms where large-scale immigration has occurred, the compilation of lists was left to tax clerks, and the figures are so much lower than my final results that it is obvious that those who were at the time absent, ill, disinclined, and exempt from tax payment did not appear to procure permits to reside. Revised lists were compiled at my instance by the Government tax clerk staff in early 1941. These lists with the aid of the tax assessment rolls, formed the foundation of the statistical side of the present inquiry. Information was collected, some of the preliminary lists also containing this, of the married condition, occupation, chiefdom of origin, and year of immigration of each immigrant. This is only relatively accurate, since personal contact with every Nyakyusa was impossible ; and the year of movement as given is in almost all cases, if more than three or four years back, guess-work, though as many checks as possible were applied by reference to known dates. Two points about the statistics are that they are minimum figures, a number of exempted persons being lacking as well as some very recent arrivals ; and that they represent net immigration, there being a recent amount of backward movement to Rungwe District.

In Rungwe District information was sought on similar lines by testing the memory of the villagers in each chiefdom as to emigrants. This was done in the case of the northern and central chiefdoms in mid-1939, on my advice, and completed by me in August 1940. Errors of omission and of assignment of the wrong destination in Mbeya District and wrong year of movement were obviously numerous and the information has not been brought up to date. The object had already been achieved, of obtaining a detailed picture of the migration, headman by headman, and of securing information, which would be unprocurable in Mbeya, as to persons who had left on account of wrongs done by them, whether by enticing away women or otherwise.

(i) *Movements from Rungwe chiefdoms.* There were no appreciable movements from 7 chiefdoms with 21,000 taxpayers. For the remainder the percentage of emigrants is 16, the largest chiefdom of all, with 7250 taxpayers, showing a percentage of 22.

(ii) *Movements to Mbeya chiefdoms.*

	Immigrants.	*Total taxpayers, including estimate for exempted persons.*	%
Usafwa	468	2700	17
Usongwe	1202	3700	32½
Umalila	584	2700	21½
Unyiha	652	6500	10
,, Mbozi Farms	544	669	81
Umbwila	47	1500	5
Township	55		
	3552	18,000 (approx.)	
Tribal lands only	2953	17,100	17½

II. THE CAUSES OF THE EXODUS

For the sake of ease of exposition and not because they can be divided into watertight compartments, the causes of the exodus of the people of the Rungwe District are here divided into those arising from impetus and those arising from attraction.

(a) *Impetus.*

(i) *Shortage of land.* This aspect is commented on in Godfrey Wilson's *The Rights of Individuals among the Nyakyusa*. He writes (p. 7): "The scarcity or economic value of land is, in most of the Nyakyusa Chiefdoms, more a matter of quality than of mere quantity. In some few Chiefdoms, there is, however, already threatening an actual lack of arable land, and it is almost certain that there will in time be a general shortage. The material increase of population is to some extent counter-balanced by ever-increasing emigration into neighbouring, less densely populated districts; but rapidly changing economic and technical conditions will of themselves, in all probability, bring about a shortage of land." Whether, and if so, to what extent there is at present an appreciable increase of population in the Rungwe District, it is not possible to say, in the absence of any recording or vital statistics. The figures of the 1931 census (195,000), it is true, show a large increase on a previous count of 140,000 in 1928.

There was, however, a large over-estimate in 1931, a co-efficient of about 5.5 persons per taxpayer having been applied; this was obtained in a very limited area in a house-to-house count. Later figures obtained by me by inquiry at village meetings in a number of chiefdoms in 1930 gave co-efficients varying from 3.5 to 4.8 and led to an estimate of the population of 145,000, this confirming another count made by the tax clerks in 1934. With a population increase of 3 per cent per annum it would be unsafe to assign pressure of increasing population on land as a cause of emigration. The changing economic conditions referred to by Wilson consist mainly in the market for Native produce on the Lupa Goldfield, which was estimated, in its prime, to require 6000 tons of maize and 1000 tons of beans per annum. For various reasons, chief among which were the uncertainty of seasons and the natural indolence of the population in the chief maize-producing areas of the Mbeya District, the bulk of this demand was met by increased production on the part of the Nyakyusa, who are nothing if not money-minded. Acreage increased mainly in the northern and central part of the District, whence the transport haul was shortest and the price offered accordingly most attractive. In consequence, it would be hard to point to any appreciable area in the northern chiefdoms of the District where there is suitable land not being cultivated. The demand from the Rungwe District is, however, decreasing. Even before the war, alluvial production on the Lupa Goldfield, and with it the labour force employed on it, was showing a rapid decline; and concurrently with the reduction in requirements of foodstuffs, the Mbeya District production was increasing, not least from the efforts of the numerous and industrious Nyakyusa who had moved over the border. A further stimulus was given in 1940 by the introduction of a marketing system into the Mbeya District, giving known and competitive prices for cash.

There is a further aspect of the land question which is relevant to the discussion of shortage of land, and that is the ascertainment of which section of the people is most likely to be affected by any such shortage and will therefore be the most likely to emigrate. Owing to the manner of operation of the Nyakyusa social system, it is the

young married men who are so affected. As boys reach the age of ten or eleven, groups of them hive off from their parents and build their own huts on pieces of land assigned by the village elders.

They continue to cultivate for and to eat with their parents until they reach the age of marriage, and then, after marriage, they start to hoe on their own account on tracts of vacant land assigned by the parent villages, and they remain thus as stable satellite communities until such time as the chiefdom boundaries are redrawn at the " coming-out " ceremony of a chief's heir or heirs (more usually two heirs). A description of the ceremony in general is not relevant (it is given in Godfrey Wilson's " An Introduction to Nyakyusa Society ", *Bantu Studies*, Vol. X, No. 3, p. 278, et seq.), but the effect, so far as land is concerned, is that a section of the country is assigned to the young chief and the men whose age-villages have grown up since the previous " coming-out " and within this area the young men form new villages and take up new land for cultivation. No pressure arises in a sparsely populated or fertile area, but in one which is full or of decreasing fertility, there must clearly be difficulty in finding sufficient vacant land for a new family to cultivate, while at the " coming-out " upheaval, a conflict must arise between the interests of the young men and those of the older ones already resident in an area assigned to the young men. The figures collected in Rungwe show of emigrants from the Katumba chiefdom : 25½ per cent polygamists, 53 per cent monogamists, 21½ per cent bachelors, and for the Undali chiefdom, 21 per cent polygamists, 67 per cent monogamists, 12 per cent bachelors. These figures compare with proportions of inhabitants found for part of the District by Godfrey Wilson of 29 per cent polygamists, 37 per cent monogamists, 34 per cent bachelors (*Bantu Studies*, Vol. X, No. 3, p. 260), though I should add that the average of figures obtained by me in eight chiefdoms is approximately 30 per cent polygamists, 50 per cent monogamists, 20 per cent bachelors. Even so, the figures of known emigration show a higher proportion of monogamists than the normal make-up of the population, while those of polygamists (almost all found among the older men) and bachelors are lower.

The subject of land shortage must not be quitted without a mention of soil erosion and impoverishment as contributory causes of land shortage. These are causes which operate over a long period and one can only record impressions. A tour of the Undali area reveals great washaways in the hillsides from south of Isoko Mission through to the Kiwira river, and much secondary bush is springing up in portions of the area. The northern part of the Katumba chiefdom also has the appearance of having supported a larger population in the past than nowadays, and the people of certain areas there have given the poorness of the soil as a reason for movement. There are many signs of old abandoned cultivations on the slopes of Kyeyo mountain, both to the east in the Masoko chiefdom and to the west in the Ikama chiefdom, and movement hence may well have caused pressure in adjacent areas. In the densely populated Mwakaleli region, however, there is no part which has gone out of cultivation, and an old missionary, the Reverend O. Schueler, who lived there from 1896 to 1913 and again from 1926 till his death in 1938, once told me that he could see no apparent change since he first came. Energetic measures have been taken against soil erosion for the past five years, and while no action can be 100 per cent effective, and there is still much to be done to attain such measure of success as is possible, this potential cause of increasing land shortage should reduce in importance as the years pass. As regards the utilization of the soil, there is not much that the Nyakyusa can be taught with profit, save perhaps the extended use of manure. They have excellent rotations of maize, beans, and sweet potatoes on the main areas of cultivation, with occasional fallow periods : crop residues are not burnt but are turned into the ground and animal manure is regularly used among their bananas. In certain areas, particularly the mountainous country between the middle Kiwira river and the Umalila-Undali escarpment, the soil conservation measures are themselves given as a reason for emigration, because of the difficulty of applying them to steep hillsides. In other words

the amount of labour involved in the construction and maintenance of contour drains, etc., has, although small, removed in many cases the small margin of what the Native regards as a fair return for effort expended : and he has sought new land requiring less effort in cultivation and, he hopes, less requirements in the way of soil conservation measures. His latter hope has hitherto been largely fulfilled, the active soil conservation campaign in Rungwe having antedated by two years that in Mbeya.

(ii) *The Rungwe marriage system.* It is very little exaggeration to express a view commonly held as being that the young Nyakyusa, unable to marry early because of the philogynitic propensities of his elders, resorts habitually to seduction of unmarried girls and of other people's wives, and, once married, retains the habits of his youth. For this reason he has been supposed to move across to the Mbeya District in large numbers in order to escape the consequences of the wrongs done by him to others. This view is at once a half-truth and an over-statement. The Nyakyusa does not in my opinion marry late. There is a tacit contract, enforceable in court, between a young man and the head of his family that, in return for cultivating in his youth—and this includes contributions in cash and cloth and other ways—he will be provided with marriage-cattle, or the first instalment thereof at least. The number of cows demanded has risen during the past thirty years from one or two to five or more but ease of communication has brought speed of circulation, and to the comparatively stable number of cattle has been added an ever-increasing number of shillings, forty of which in most marriage transactions constitute a cow. One of the aspects particularly inquired into in the Rungwe District was this, and it was no surprise, there, to find that no more than 71 out of the 2000 recorded emigrants were bachelors who had eloped with women. There were 446 bachelor emigrants recorded in all, but this figure is well below the District records. Married men, who were unsatisfied with their married, even plurally married, state and who went off to Mbeya with other women were much more numerous, 270 or 9 per cent of all emigrants recorded in Rungwe. Adding the bachelors, the number is appreciable but it is not a highly marked percentage in relation either to the total number of emigrants or to the number of adultery and seduction cases which come before the Rungwe Native courts. In the year 1939, an analysis of the Rungwe Native court records showed that 1 taxpayer in approximately 45 was brought to court to answer such a case against him ; over the ten year period of maximum emigration to Mbeya District the total cannot be less than 1 in 5 or 6, as against the 1 in 8½ of emigrants who eloped. The present District Commissioner, Rungwe, does not share my opinion as to the marriage age of young men in the District, considering it high by comparison with other tribes. In support of this view, the available statistics tend to indicate that a desire for earlier marriage than is possible under normal tribal conditions provides an urge to move to a country with greater economic possibilities.

Thus, against the 21½ per cent of bachelors remembered to have moved from the Katumba chiefdom, the percentage of present bachelors recorded in tribal areas in the Mbeya District is only 11. My own interpretation of this disparity is, however, that it is not easy for a bachelor readily to settle down in a new country, with neither wife nor mother to cook for him.

(iii) *Escape from more to less rigid Governmental and tribal control.*

This aspect, as indeed the previous, might equally well be treated under the head of attraction as of impetus. The Rungwe District is very small, with a large number of headmen who once were independent chiefs, over 100 of them grouped under the present chiefs. The subject is in constant close contact with them, his chief and Government. The evasion of traditional tribal duties is accordingly not easy, nor is it of those calls which have arisen as a result of European rule, for instance the payment of tax and compliance with anti-erosion orders. The avoidance of these two obligations has been suggested by some Rungwe headmen as a reason for some of their subjects leaving, and while on arrival in the

Mbeya District they have found the same obligations in being, it is true that evasion is easier in the large and scattered portion of the District into which emigrants have come. Also, to the 341 runaways with women are to be added another 53 who are remembered to have left in order to avoid the consequences of other wrongs. There may further be cited here the reasons for movement given in the areas of three Ndali headmen. In two, I was informed that dissatisfaction with the predecessors of the present headmen has led to emigration, and in a third, the defeated claimants in two successions, one in 1918, one in 1938, withdrew to Mbeya with their followers. One claimant is dead and the other has returned, but many of the followers have remained. Furthermore, the migrants have been able to live a life very largely independent of the indigenous chief and headman. As will be shown below, the bulk of the immigrants near Mbeya and the Mbozi coffee farms have settled without reference to the local headmen. They are entirely free of the petty tribute of beer and bananas which are still given in Rungwe to the headmen, and have largely escaped other calls.

(iv) *The nature of the Nyakyusa himself.* The Nyakyusa, whether the Nyakyusa proper of the centre of the Rungwe District and the Lake shore, or the Kukwe, almost indistinguishable from them, of the north and east of the District, form an enterprising and self-assertive tribe. They are easily educable and a very large proportion, owing to intensive mission activity, has received a smattering of knowledge. They have unlimited self-esteem and a boundless feeling of superiority, and they worship money as a means of enhancing their self-esteem and superiority. These traits have for many years carried them far afield as plantation labourers, policemen, drivers, clerks and messengers and even thieves. Five hundred and more are remembered who have not been home for years from the central line; the coast and almost every township in Tanganyika, Kenya, Uganda and Zanzibar know them. They have their own names for the Rhodesian copper belt (Kambovi) and Salisbury (Halale). Letters even come to Tukuyu with the Johannesburg and Durban postmarks. They provide over 30 per cent of the labour on the Lupa Goldfield. And this same money-making urge has brought them in their thousands to work and to settle in the Mbeya District.

(b) *Attraction.*

(i) *Land.* By far the greater number of Nyakyusa immigrants to the Mbeya District have come to settle as peasants, or, having come in search of work, have settled down to cultivate thereafter. For the early arrivals, ample land was available. The Safwa of Usafwa and Usongwe have tended, ever since the series of wars with the Sangu, to cling to their hills for dwellings and cultivation, leaving the intermediate valleys vacant, and into these valleys the Nyakyusa came, a trickle in the early years (the first recorded movement was about 1910) till about 1925, then a stream, and, in the years 1934 to 1939, when 768 of the 1670 immigrant taxpayers in these chiefdoms came, a flood. Such Safwa as there were in the valleys retreated on their neighbours in the hills and now, in 1941, the valleys of the Nsofwe and Mbalizi rivers, with their tributaries, all part of the Rukwa-Songwe system, are populated, and thickly populated, almost exclusively by Nyakyusa. Soil is fertile, cultivation is easy on the gently sloping ground, and until recently, there has been ample land for all comers to meet economic as well as subsistence requirements. Not only was there ample space to cultivate maize to meet the demand, steadily increasing up till 1938, from the Lupa Goldfields, but the price was better than at home. While the Tukuyu District supply remained the most important, maize sold at Mbeya was worth 2s. a bag more than that sold at Tukuyu, and now that Tukuyu maize has declined in importance owing to the very emigration of producers, Mbeya maize is all saleable, while Tukuyu maize is not. Demand for land has also been responsible for the move into Umalila. Three-fifths of the immigrants recorded in the Mbeya figures (total 584 taxpayers) have come from the escarpment and foothills where the Katumba chiefdom runs up to the Umalila plateau. Two-thirds of these have settled in hitherto sparsely populated rain-forest

areas, on the edge of the Umalila escarpment above the Rungwe District, and the remaining two-fifths of the immigrants have come from Undali, some after a pause in Ulambia, mostly settling in the south-west of Umalila.

(ii) *Labour*. *Pari passu* with the growth of the Lupa Goldfield arose the official and commercial centre of Mbeya, and Mbeya continues to grow even though the Goldfield has its own official centre and though alluvial gold production declines. There have consequently been opportunities for masons, milkmen, Government employees, casual labourers, shop and lorry boys, and personal servants, which the Safwa have in general been unwilling or unfitted to take and which the Nyakyusa have been quick to seize.

(iii) *The Mbozi farms and their environs*. The attraction of Unyiha has been more complex. Nyakyusa labour has been preferred on the farms to local Nyiha labour, harder and more intelligent work being found to compensate for truculence and thieving propensities. Labour being seasonal, many labourers have found it convenient to bring their families and to settle, on farms, with the encouragement of the farmers, and on adjacent tribal land, with the passive acquiescence of weak headmen and not infrequently the connivance of their subordinates. At the same time, there has been a genuine settlement by Ndali, and a number of other Nyakyusa, having come to work, have remained to grow foodstuffs for sale. Also, the farms and their neighbourhood have proved a happy haven for runaways, no less than 319, or 80 per cent of all absconders, having made for Unyiha (Rungwe figures).

(iv) *Minor attractions*. Rungwe informants have adduced several minor reasons for movement to the Mbeya District. These are: better price of milk, a shorter distance to go for salt to Ivuna, a shorter distance to the Lupa for work, and easier cultivation of tobacco.

General conclusions. The fundamental reasons for the efflux from the Rungwe District are shortage of readily cultivable land, combined with the economic opportunity and easier conditions of cultivation offered in those parts of the Mbeya District where the bulk of infiltration has occurred. The shortage of land may in part be due to growth of population; whether this is true or not now, it is likely to be in the future, provided that the Nyakyusa are in fact what they are in appearance, an increasing tribe, and a permanent cause of movement is accordingly disclosed. Impoverishment of land in the Katumba chiefdom and a reduction of cultivable acreage in the Undali chiefdom is also believed to have occurred. At the same time, there has been an increase in demand for land for economic output; increased cultivation in the Mbeya District combined with reduced requirements of foodstuffs on the Lupa Goldfield, have now largely reduced opportunities for Rungwe peasants, and this cause of pressure on land may be regarded as temporary, provided that there is no large recrudescence of alluvial activity on the Lupa Goldfield. The Mbeya Township is losing its importance as the commercial centre for the Goldfield with the development of Chunya and the Itigi road, though it remains the focus of Native food supplies, and the recent rapid official development is towards its close in its present place. The period of expansion is accordingly virtually closed for the present, and with it the demand for labour. In general, under uncontrolled conditions, a much reduced rate of immigration into the Usafwa and Usongwe Chiefdoms is to be anticipated, unless new unforeseen development occurs. Umalila is adjacent to the main pressure areas of Katumba and Undali and a continuous influx is likely, again assuming no control. In Unyiha, there are 63 farms including unregistered subdivisions, with 4500 acres of coffee. The opinion of the few remaining Mbozi planters gives 150 acres as an economic unit, and on this basis, acreage should in time double. The assumption is involved that coffee is a remunerative European crop in Mbozi, its high quality compensating for a very low yield per acre. If so, there is likely to be a long-period expanding demand for labour, and under a continuance of present conditions, the Nyakyusa would fill this demand and a proportion of them remain to cultivate in their spare time or to become pure peasant holders, either on or near to

farms. The efflux from Undali, due to land-shortage, into Unyiha, is also likely to continue, unless otherwise directed.

III. THE EXTENT OF THE INFLUX INTO THE MBEYA DISTRICT

The main points of immigration into the Mbeya District have been indicated in the course of the analysis of the causes of movement. In the present section, the position in the various Chiefdoms will be examined in more detail. The summary above shows that there is a minimum of 3006 Nyakyusa taxpayers on tribal lands and in the Mbeya township and a further 544 on farms in Mbozi. The flow first reached 100 per annum in 1931 and by 1939 was just under 300 per annum. 1940 and 1941 show a marked drop, due in part to the war, which has made the Nyakyusa chary of moving, while at the same time economic opportunity has been much reduced. Development in the Mbeya Township is at a standstill and in Mbozi the labour force has been reduced to about 85 per cent compared with pre-war and wages have been lowered by 11 per cent. The other reason for the partial stoppage of immigration was deliberate discouragement by the Native Authorities from mid-1940, acting on the advice of the District Commissioner.

(a) *Usafwa.* All but three or four of the 468 Nyakyusa taxpayers now recorded live in the personal area of Chief Lyoto and his relative. They form four village groups, homogeneous save for the presence of a dozen indigenous Safwa families and 28 other alien taxpayers, of whom 22 are from Njombe District. All live within a radius of three miles of the Mbeya township. One village occupies a narrow strip under 1¼ square miles in extent between the western boundary of the township and the Usongwe chiefdom. This it is that has a population density of over 400 persons to the square mile. It is in fact a suburb, though nearly half of the taxpayers give their occupation as agriculture. Most of these peasants, however, supplement their produce by wage earning, and they are also dependent on permission to cultivate in the hitherto unplanted portions of the adjacent Mbeya Forest Reserve. There is acute existing congestion, and this will increase as plantings in the Forest Reserve are extended. A second village, founded twenty-five years ago, lies immediately to the east of the township near the Chunya road, and the third, consisting of two main groups, is to the north and south of the Great North Road, south-east of the township. Expansion of these second and third villages is severely limited by the proximity of the township, the aerodrome and the Usongwe chiefdom on the west and south, the Mbeya mountain range on the north and the family village of Chief Lyoto on the east. The Chief's remaining taxpayers consist of but 250 Safwa, almost all in his own village and in hamlets on the higher slopes of the Mbeya range. 82 per cent of these immigrants have come from the adjacent Rungwe chiefdoms of Katumba and Ikama. Between them and their home chiefdom lies an undisturbed block of Safwa and Poroto population on the slopes of the Poroto mountains, which are too hilly to be attractive to the incomers.

(b) *Usongwe.* Nyakyusa immigration is confined to the areas of headman (now chief) Mwaliego and headmen Milambo and Adam. The remainder of the chiefdom, viz., the comparatively low-lying and remote middle Songwe valley, the Mbeya range and part of the Lupa controlled area is either mountainous or poorly watered. It is therefore unattractive to peasants seeking fresh land, while the not inconsiderable number of Nyakyusa resident within the Lupa controlled area constitute a special case outside the scope of this report. 1202 movements are recorded. Immigration has been into two well-defined, though adjoining, areas, viz :—

(i) *The Nzovwe Valley* running westwards from the Usafwa chiefdom and the neighbourhood of the Mbeya Township. In the four villages affected, immigrant Wanyakyusa form 40 per cent of the taxpaying population. The immigrants form a continuous block, contiguous to those in the Usafwa chiefdom. They are similarly a largely suburban population. Almost all have agricultural land, but over a third are dependent for cash income on the opportunities of employment in Mbeya Township and a neigh-

bouring market garden which has at present 125 labourers. The indigenous Safwa, as in Usafwa, live in entirely separate hamlets on the slopes of the Mbeya and Poroto Mountains. Room for further immigration is limited on the periphery of this area, and non-existent, save for landless workers near Mbeya. There are 44 taxpayers of other tribes, 34 of whom are from Njombe District.

(ii) *The Mbalizi valley with tributaries and the lower Nzovwe valley to their confluence below Utengule Mission.* 45 per cent of the 1659 taxpayers of the five villages in this area are Wanyakyusa. The immigrants again form a continuum, interspersed with only a very few Safwa of whom the Chief is one. They are closely packed in the upper valleys, thinning out as Utengule is reached, and as before, the Safwa mainly live above them on the mountain slopes. The original foci of settlement were in the neighbourhood of the Igali Boma (1923-1927), Mbalizi Trading Centre, Utengule Mission and Utengule itself, where a Ndali cluster arose round an exiled claimant to a headmanship. There are 86 alien taxpayers of other tribes, 45 being from Njombe District and 31 being " Swahili " in Mbalizi.

Another 49 Nyakyusa taxpayers are scattered in other villages and a further 21 aliens of other tribes (14 from Njombe). 19 of these Nyakyusa live in or on the periphery of two coffee estates on the side of Mbeya Mountain and mainly cultivate within them. 63 per cent of the immigrants to Usongwe are from the adjacent Rungwe Chiefdom of Katumba and 12 per cent are Ndali.

(c) *Umalila.* The upland chiefdom of Umalila thrusts a deep salient in a southerly direction between the Rungwe chiefdoms of Katumba and Ulambia, touching the Undali chiefdom at its southern end. It was formerly sparsely populated on both its borders with the Rungwe District and has formed a ready outlet for pressure on both sides.

(i) *The eastern rain-forest.* Doing in the north irreparable damage to the forest as they came, immigrants have entered in large numbers into the land immediately above the escarpment which forms the border between the Umalila and the Katumba chiefdoms. They provide 40 per cent of the 992 taxpayers in the six villages affected. There is a good deal of continuous border-movement and the assessment rolls disclose, between 1939 and 1941, return movements of 69 taxpayers, not included in the above totals, two-thirds of whom have gone back to the Katumba chiefdom. In addition, there is a steady northward movement out of six villages of Malila Natives which lie within the Ulambia chiefdom. Some 75 names are recollected in the Rungwe District; two-thirds of these have moved to the three most southerly villages in the Umalila chiefdom.

(ii) *The Luswiswi-Magole-Itâga valleys,* lying just within the boundary between the Umalila and the Ulambia chiefdoms. These valleys run down from high grasslands and rain-forests to well-watered savannah country. The upper portion has attracted the remaining third of the Malila emigrants from Ulambia; in the lower stretches a score of Lambia families have immigrated and the centre has attracted 146 Nyakyusa, of whom all but 27 are Ndali. In all, 32 per cent of 449 taxpayers are immigrants. An interesting point about the movement into this village is that nearly half the immigrants came from one Rungwe headman alone and nearly a quarter of the total from but one of his twelve villages. A further 46 immigrants have settled in the interior villages of the chiefdom.

(d) *Unyiha.* 60 per cent of the 652 immigrants now settled on tribal land in Unyiha are Ndali, either coming direct from their own chiefdom or after previous settlement in Ulambia. It is very little further from the central Rungwe chiefdoms to Unyiha than it is from Undali, and the Ulambia chiefdom intervenes so that there is no direct contiguity. The marked predominance of Ndali in Unyiha arises from the fact that there has been a dispersal out of Undali over a long period. The Lambia headmen adjacent to Undali, Mwenibungu, and Mbembela, men of 40-50, know of no Lambia in their areas except their own families, and they cannot remember a time when it was otherwise. In chief Mwampa-

che's own area, north of them, immigration of Ndali has been going on over a long period and it is still in progress, following the Nyasa Songwe valley and its tributaries. The movement previoulsy referred to [Umalila, (b).] is part of this migration, following the Itela valley, which itself is still being filled. The Undali assessment rolls record, back to 1933 only, 167 names of emigrants to Ulambia. In Ulambia the Ndali are reaching the end of the wide acres and plentiful water, and most of the vacant land is now poor savannah without perennial streams. They are accordingly going further afield. The movement to the neighbourhood of Mbalizi, [Usongwe (b)], has been referred to, but the powerful attraction has been the possibility of earning money as well as cultivating in the vicinity of the Mbozi farms.

Before the areas and extent of immigration of Ndali and other Nyakyusa are detailed, another aspect, arising from their movements, should be examined. As the Safwa of Usafwa and Usongwe have retreated to the hills before the incoming Nyakyusa, so the Lambia have been moving as the Ndali came in. Reference has been made to the absence of Lambia in the areas of headmen Mwenibungu and Mbembela of Ulambia and the same position is being reached in chief Mulemelwa's personal area and part of that of his headman Mwachitete. In Ulambia, over 200 Lambia families are remembered who have moved into Unyiha in recent years. Almost all of these have settled in the deeply-indented valleys of the upper Songwe and its tributaries. This is heavy savannah forest country with fertile soil, but too cramped to be immediately attractive to the Ndali. Here the Lambia already form a marked percentage of the population.

The Ndali and the other Nyakyusa immigrants from central Rungwe have swept beyond the watershed on to the plateau of central Unyiha. They have settled in the vicinity of the various groups of European farms, attracted by the opportunities of work on and production for the farms, but finding the land such as would have been to their liking had there been no farms. The Nyiha are predominantly hillside cultivators, eleusine being their staple crop, and have left the undulating lands towards the headwaters of the streams virtually undeveloped. Thus it was that they were available for alienation to European settlers, but they are equally desirable to the Native grower of maize and beans.

To these must be added the labourers residing on European farms. These number 669, of whom 544 are Nyakyusa or Ndali from Rungwe District and another 43 Ndali previously domiciled in Nyasaland. They do not, while resident on farms, infringe on tribal land except in some cases for grazing, but there has in the past been a steady flow from the farms on to tribal lands. The largest farm in Mbozi, for instance, had 74 resident Natives in 1938 : 18 of these have now moved into neighbouring villages. And in the present year, over all the farms, 139 resident Natives have moved since the 1941 harvest, of whom 56 are now on tribal land. A certain number of these farm labourers are semi-casual labourers, living with other families on farms (there is only one farm in Mbozi with labour lines), but over 80 per cent have brought their wives and children with them. Mbozi farmers do not give rations, depending almost entirely on labour from local tribal lands combined with that of their resident Natives, who are permitted to build and to raise food crops. The aim on most of the farms is to establish a permanent labour force sufficient in size to meet most of their normal needs and a considerable amount of the additional seasonal requirements during the picking season. The indigenous Nyiha have been, in general, unwilling to work sustainedly and are considered less industrious when they do work, and the farmer's aim has accordingly been met by encouraging alien Natives to settle, on tribal lands if they can, otherwise on their farms.

The number of farm resident labourers in any given area in Mbozi accordingly bears a direct relation to the number of Nyakyusa who have secured admission to tribal lands ; and the farms which show a marked increase in resident Natives during the last three years are precisely those adjacent to tribal lands where, for one reason or another, new immigrants are not welcomed. The quantitative result has been an increase in the

number of resident Natives from 450 in 1938 to 669 in 1941, nearly 50 per cent.

The balance of Nyakyusa on tribal lands live mostly near the Rungwe border. There are also particulars of 82 other alien Natives, of whom most are Ndali from Nyasaland. Immigration into Unyiha (tribal land) began only with the establishment of European farms. First reaching double figures in 1931, movements increased rapidly to 135 in 1939, dropping to 74 in 1940. The farm figures indicate an average arrival of rather over 100 per annum for the last few years, of whom two-thirds disappear within three years, in the proportion of two returning home and one settling on tribal land.

(e) *Umbwila.* More than half of the 47 immigrants into Umbwila have settled in one village, through which the main road runs. Of this majority, most live at or near the Tukuyu turning (Njiapanda) and the remainder are thinly scattered along the road for the next seven miles from Mbeya. Most of Umbwila is mountainous and already thickly populated and the remainder is poor savannah country; the chiefdom is not, accordingly, likely to be an attractive field for settlement. Almost all the immigrants are from the adjacent Ikama chiefdom.

(f) *Other chiefdoms.* Immigration by Nyakyusa has been absent or negligible.

(g) *Mbeya Township.* There are 60 Nyakyusa householders, 5 being women, owning 63 out of the 305 houses in the Native township. 25 are personal servants, and all except one of the remainder are gainfully occupied in various ways. A third arrived prior to the disposal of plots in the layout in 1935. There is also a floating population estimated at 100 taxpayers; accurate statistics could not be rapidly procured without inconvenience to traders and householders. It is estimated that half of these are temporary labourers or personal servants, many of them paying their taxes in Rungwe District: a test sample of 28 among the remainder showed that 11 had been resident in the township for five years or more.

References throughout this section have been to taxpayers. Particulars of the total population of Nyakyusa immigrants and its composition are:

	Men	Women	Children	Total
Usafwa	468	641	852	1961
Usongwe	1202	1586	2206	4994
Umalila	584	779	1065 est.	2428
Unyiha (tribal land)	652	912	1516	3080
Umbwila	47	66	85 est.	198
Township (householders only)	55	76	106	237
	3008	4060	5830	12,898
Mbozi farms	544	542	710	1796

This discloses a coefficient of total taxpayers to population of 4.27 without the Mbozi farms, and 4.14 with them, which is markedly higher than the average for Rungwe District. The low percentage of bachelors, only 12 per cent as against 25 per cent in Rungwe, accounts for this to some extent, but even so there is a high ratio of children, clearly the product of parents in the prime of life. The number of children is particularly marked on tribal lands in Unyiha.

IV. EFFECT OF INFILTRATION ON TRIBAL LIFE

The main problems arising from Nyakyusa immigration are lack of control by the Native Authorities and congestion.

(a) *Lack of control by the Native Authorities.* The indigenous Safwa, Malila and Nyiha have been ill-equipped, both as a tribe and in the organization of their Native Administrations, either to resist the impact of the immigrant Nyakyusa or to absorb them. To the inertia of the Safwa and others has been opposed the self-assertiveness of the Nyakyusa: to his comparative indolence, industriousness: to his comparative indifference to wealth as we understand it, a money-making urge; and to his backwardness in education, the ingress of people far more progressive. In consequence, the attitude of all but a few individuals has been of passive acquiescence in the settlement of a large body equipped for and desirous of fulfilling the demands for labour, both skilled and unskilled, and for agricultural pro-

duction, which have arisen with the development of the Mbeya District and the Lupa Goldfield. At the same time, immigration has been aided by the desire of chiefs and headmen for more people to increase their importance and to help them in meeting governmental calls. But the process has been so rapid and extensive that there has been but little assimilation. Having entered the Mbeya District as aliens, the Nyakyusa have been able to remain such with the rarest exceptions. There are enough women for most young men in search of a mate, or married men anxious to add another spouse, to find them among other immigrant families ; if they are unsuccessful, Rungwe District is near enough for them, to make their quest there, sometimes marrying girls according to established custom, not infrequently inducing them to elope. Intermarriage occurs in southern Umalila, where immigration has been going on for many years. Further north and in Usongwe, Nyakyusa girls are taken in marriage by indigenous tribesmen, but the converse is almost absent. The reasons are given that the Nyakyusa willingly accept, but are loth to part with, cattle ; and that Safwa girls will not adapt themselves to Nyakyusa habits, both as regards domestic arrangements and cleanliness. In Usafwa and Unyiha, mixed marriages are virtually unknown. The Nyakyusa, further, are slow to learn the language of their adopted countries, mainly through unwillingness: the Native Courts are bilingual.

Keeping themselves separate in this way, the Nyakyusa have made no attempt to assume control of the areas which they occupy among the indigenous tribes. They have merely kept themselves apart. Most are sober, industrious cultivators and workers, living sufficient unto themselves. But there is a minority, mainly the "lads of the village," which, freed of the restraints of their home society, has developed anti-social tendencies. Complaints of thieving propensities and truculence are rife, largely, in the past, by Mbozi farmers. Concrete instances are hard to come by, however. Such complaints are subsidiary to and indeed largely the result of a major cause of offence, namely the systematic flouting of the rights of the indigenous communities, through their Chief and headmen, to make grants of land to immigrants. Speaking generally, apathy is to blame. Welcome to the earliest immigrants was followed by acquiescence, and as acquiescence came to be taken for granted, later arrivals ceased to inform the headmen of their coming and merely bespoke the aid of their friends and relations in selecting desirable building sites and gardens. Such a process did not occur in Umalila. The village headmen and the chief in his own area say that no immigrant has taken up land without their knowledge. In western Usongwe the headmen claim to be have been aware of and to have accepted all comers until the chief intervened to check them a year and a half ago. In eastern Usongwe and Usafwa, however, the chiefs and headmen became merely spectators of the process of migration. And in Unyiha, the same occurred, the helplessness of the headmen who collectively comprise the Native Authority being accentuated partly by lack of co-operation by their sub-headmen, partly by a doubt lest perhaps Government wished there to be many Nyakyusa, since they were preferred as labourers by most of the planters.

The main political control of a chief over his subjects lay in the past in his right to refuse admission to his chiefdom to undesirable immigrants and to expel offenders therefrom for misconduct or disloyalty. Citizenship and the tenure of land were accordingly most intimately connected. (This principle is still recognized in South Africa, e.g. under the Glen Grey Act, by which titles to land are forfeitable for rebellion, stock theft, and failure to occupy beneficially). The right to expel has been removed, generally by the Deportation Ordinance, and specifically under recent circular instruction. And from the terms of a statement made by the Mbeya chiefs to the Governor in 1938, that they were uncertain whether Government would support them if they attempted to subject immigrants to their authority, it would appear that the deprivation of the right to expel implied to them also the deprivation of the right to prevent immigration. It seems clear, at any rate, that they were not aware of the policy of Government that a Native " has not the

right to occupy any land whenever situated in the Territory, but only the option of doing so if the Chief and community are able and willing to absorb him." (Native Administration Memoranda, No. I, para 62).

It was in these circumstances, combined with the complaint that congestion had already occurred, that this report was called for in 1938. Pending the time when an opportunity should arise to make the investigation, preliminary administrative action was taken to check immigration, but it was not possible at that stage to relate these steps to the tribal law of land tenure. Co-operation from the holders of rights in land could not be expected then, nor can it be in the future unless their rights are recognised. To quote from a report submitted in 1938 to the Chief Secretary on land rights in the Southern Highlands Province, in so far as Mbeya is concerned : " all land is held by the Chief for the benefit of his people ; in all Chiefdoms except Unyamwanga and Uwungu the sanction of the village headman is necessary to an initial grant of land and the headman has to take steps to point out the land allocated to an individual." It is a natural assumption that the chief is the Native Authority recognized by Government and that the village headman is he whose name appears at the head of each village assessment roll. In the chiefdoms into which Nyakyusa immigration has taken place the true tribal constitution is far otherwise. None of the chiefdoms referred to has a unitary chief. Each is in fact a federation of formerly independent chieflings. In every chiefdom except Unyiha, most, if not all of the chieflings spring from a common ancestor, and they have combined, under the modern system of Native administration, to designate one of their number as chief. The post is not hereditary, though it may tend to become so : in Usafwa two branches of the family have produced chiefs hitherto, and in Usongwe three. All these, chiefs and chieflings alike, have the title of " Mwene " and each possesses the land rights in his area, subject to the advice and normally the consent of the village heads. The system is well exemplified in its simple form in the village of headman Dimbwe of Umaliia. Here there are four functionaries, the Bitongwa (sing. *Mwitongwa*), who are the hereditary representatives of the leading indigenous families which were in the country when the dominant Bamwene arrived. These Bitongwa have the rights and duties of arranging the succession of the Bamwene, selecting from among the chiefly family, of conducting ceremonial connected with the Mwene and of introducing immigrants to him. It is to them that newcomers apply for land and from them that they receive building sites and gardens, after the Mwene has been informed and has approved. The Mwene himself only admits strangers to his personal village. In larger villages, other posts are found, those of the Bafumu (sing. *Mwifumu*) : these are relatives of the Mwene, to whom he or a predecessor has granted fiefs, which are normally hereditary. The Bafumu, where they exist, receive reports of strangers from the Bitongwa, accept them and in their turn are supposed to report to the Mwene. In some cases, such as of formerly sparsely populated country, there is no Mwitongwa in a Mwafumu's area and an immigrant goes direct to the Mwafumu. In other larger areas, again, other prominent individuals, not of the Mwene's blood, have been given villages, and hold the land rights in them, with the Mwene. Thus in the area of Mwene Nzunda of Unyiha, eight of his thirteen *jumbes* are Bahombi (Bitongwa, in Unyiha), three are Bafumu and two are commoners, one of whom is an immigrant of many years standing from the neighbouring chiefdom of Ulambia.

A further point which was observed in the course of investigation of the tribal constitution was a conflict of interest in some cases between the Mwene and his assistants. Most of the Bafumu admitted the obligation to report the arrival of immigrants to their Mwene, the exceptions being two in Usongwe Many, especially in Usongwe, were found not to be making any reports in actual fact, though they admitted their error : and in the areas of four assistants of headman Nzunda of Unyiha, two being Bitongwa one a Mwafumu, and one a commoner, 57 new arrivals were recorded, though the headman stated he did not want further immigrants and has no knowledge of

these persons It clearly depends much on the interaction of the personalities of the Mwene and his subordinates who actually do exercise control in the villages ; and it is also my opinion that the Bafumu are in a number of cases, especially in Usongwe, trying to assert independent positions. Finally, Nyakyusa village headmen are emerging, being the most prominent of the early immigrants. All of these admit that the correct course with new arrivals is to report to the Mwitongwa or Mwafumu : there is no admitted attempt to side-track them and to proceed direct to the Mwene, though the more honest agree that they have accepted numerous immigrants without informing anyone Nor is there any desire among the Bamwene to establish recognized Nyakyusa headmen complementary to the Bitongwa and Bafumu, those who now exist in Usafwa being the product of advice from the District Office rather than the desire of the chief

(b) *Congestion* In the Land Development Survey, Second Report, 1930, the thesis developed is that half a square mile per present family is necessary, for a cattle-owning agricultural people, to provide a field for full development, 20 acres being needed for agricultural purposes. Government has accepted this basis as the one to be followed in regard to the amount which must be reserved for the use of the Native inhabitants, in areas of possible non-Native settlement.[f] In all the main areas now under consideration, long before large-scale Nyakyusa immigration had begun, the report recommended no further alienation because of the existing density of population. On this basis, therefore, the influx of nearly 3000 immigrant families on to tribal lands has already gone far to diminish the reserve for development, while the future needs of these 3000 have also to be considered. Even on the not necessarily accurate assumption that grazing lands are available in adequate quantity outside the areas of residence and cultivation, the immigrants have already achieved a density almost everywhere which is equal to or in excess of the figure of 32 families per square mile of arable land. Thus :—

Area		Per square mile	
		Families.	*Persons.*
Usafwa	E. of township	40- 60	170-250
,,	W. of township	100-120	420-500
Usongwe	E.	50- 70	210-300
,,	W.	30- 40	120-170
Umalila	N.	30- 40	120-170
,,	S.	10- 20	40- 80 (a)
Unyiha		10- 15	40- 60 (a)

(a) Interpersed with indigenous families.

No measurements have been made, but it is estimated that not less than 7 acres is required, including fallows, by a man with one wife, and 10 by a man with two wives, having regard to the limited rainfall and his consequent inability to cultivate more than one crop per year on a given piece of land. There are no separate statistics of Nyakyusa cattle ownership : in Rungwe District there are roughly 3 head per taxpayer and if grazing is allowed at 5 acres per beast, apart from what is available on fallows, an average of 15 acres per taxpayer is needed. Without allowing for grazing, it is clear that the contiguous immigration areas of western Usongwe and northern Umalila are fully populated, having regard to future needs : that in Usafwa east of the township and eastern Usongwe there is no margin for development : and that Usafwa west of the township is dangerously over populated or rather would be were not 40 per cent of the people partly or wholly independent of agriculture. There are no contiguous vacant areas in Usafwa, eastern Usongwe, or northern Umalila or Umbwila. In western Usongwe there is a tract, mainly waterless, between the settlement areas and the Songwe River. In southern Umalila good agricultural soils lie in small pockets, almost all of which are developed. And Unyiha has no vacant land near the settlement areas save a waterless section between the central Mbozi farms and the Itaka farms in the north, and limited land on the eastern and western fringes of the country.

Indigenous opinion may be summarized as follows :—

Usafwa. No further immigration is desired and a diminution of Nyakyusa would be welcomed.

Usongwe near Mbeya Township. As for Usafwa.

Eastern, remainder. The Mwene wants no further immigrants from within or without the Mbeya District.

Western. The Bamwene want no further immigrants from Rungwe but have no objection to the ingress of Nyakyusa already domiciled in the Mbeya District.

Umalila. No immigrants from without or within the Mbeya District are desired, except in place of emigrants.

Unyiha. The central and northern Bamwene want no more immigrants. The western and southern ones welcome them, as does one in the east, the others being indifferent.

Umbwila. Immigration is not desired.

V. OTHER ASPECTS OF THE INFILTRATION

(a) *Agriculture.* The Nyakyusa immigrants have set a very salutary example of industry to the indigenous people. Demand for maize and beans on the Lupa Goldfield has in the past been large, and the Nyakyusa, both at home and in the Mbeya District, have played a more than proportionate part in meeting it. They have also set an example in their increased emphasis on long-lived crops. Their acreages of sweet potatoes and pigeon peas are much greater than those of the indigenous tribesmen, and they have been able to introduce banana culture into certain parts, e.g. the neighbourhood of old Utengule. As regards agricultural methods, immigrants and indigenes are on a level. The Nyakyusa practise crop rotation, but so equally do the others in areas of close settlement. And the Nyakyusa are neither more nor less ready to comply with anti-soil erosion orders. Also the Nyakyusa, in marked contrast to the Safwa, have shown the same readiness to plant trees from Native Administration nurseries near their homesteads, which is such a marked feature in the Rungwe District.

Many immigrants have come with their cattle, but there are no separate statistics. The number of cattle in the Rungwe District is not great, just under 3 per taxpayer, and it is improbable that the proportion is greater among the immigrants, particularly as so many are young married men who are still or have but recently finished handing over marriage cattle. In the case of stock, again the indigenes have much to learn from the Nyakyusa. They use milk extensively for the nutrition of their children as well as themselves and they maintain no excess of male stock, killing and eating them habitually at funeral ceremonies. It is by no means fortuitous, either, that the places proposed for establishment of clarified butter factories in Usongwe and Unyiha are centres of Nyakyusa settlement.

(b) *Labour.* Local labour frequently does not commend itself to employers, and the Mbeya District is no exception. Not only is there the usual complaint of lack of dependability—arising from home ties of family and farm—against the Safwa and Nyiha, but the Nyakyusa, under supervision, are much harder workers and are also much more intelligent workers; whether or not they have any innate superiority of intelligence, they are certainly quicker in their perceptions. Many, almost most, have had the advantage of a smattering of education in the numerous mission bush schools of the Rungwe District, and so many of them, and so few of the indigenous tribesmen, have gone through part or the whole of the primary course of learning, that they have acquired a virtual monopoly of the posts with Government, in shops, and on farms, requiring a modicum of clerical ability, and they remain essential for lack of substitutes. Local labour is, however, largely employed on Government manual work, especially roads, and the Nyiha are by degrees finding a large place on the Mbozi Farms.

(c) *Litigation.* The Nyakyusa has brought his litigiousness with him from his home district. The people of the Mbeya District have recourse to the Native Courts to only a very minor degree, and the increased volume of work brought by the Nyakyusa has nowhere been embarrassing save in Usongwe. In this chiefdom much time was being occupied in judicial work and a new Native court, that of the Igali headmen, was established in 1936, with appeal to the chief of Usongwe. There are just over 1700 taxpayers in the area of

its jurisdiction, including 768 Nyakyusa, and there were over 500 cases in 1940. In Unyiha, a somewhat different problem arose, namely the difficulty of securing the attendance at court of defendant Nyakyusa and of enforcing judgments against them, particularly in the case of residents on alienated land, who on occasion have used force against tribal messengers. The solution to this difficulty was sought in mid-1940, not by strengthening the authority of the Native court, but by placing residents on alienated land outside its jurisdiction. The justification of this action was sought in the contention that the land itself of European settlers was outside the control of the Native Authority and that the Natives resident on farms had no connection with the local tribe. The resident labourers have, however, frequent and intimate connections with the equally large number of fellow-tribesmen who have been accepted as permanent residents on tribal land. At the moment, redress can only be secured against a squatter on a farm, where the cause of action has arisen on the farm by the filing of a suit in the District Court, though most cases are dealt with by arbitration on the part of farm headmen.

VI. CONCLUSIONS

The Nyakyusa, coming to the Mbeya District as alien Natives, remain almost without exception alien Natives. Living for the most part in compact groups, their social contacts are mainly with one another and not with the indigenous tribes : they retain their language and, most important, they are largely endogamous.

They are, in fact, alien Natives, showing neither signs nor desire of assimilation at present. The indigenous peoples, provided that there are no vast empty spaces which they are unlikely to develop, have accordingly a right to protection against such immigration to the same extent that they are protected against non-Native immigration. The main controls required are that tribal custom should be complied with in the securing of land on which to dwell and to cultivate : that the present and future needs of both the indigenous tribes and the large number of Nyakyusa, who have already immigrated, shall be considered ; and that the immigrants shall so far as possible be desirable citizens. All alien Natives should be required to make formal application for land, and the Native Authorities should have the ultimate right to accept or reject such applications. All applications should, however, take full cognizance of existing rights in land in the Mbeya District, which are normally held by formerly independent headmen : no such application should be finally accepted, however, without the consent of the Native Authorities, who will require to have a position of control in this respect conferred by rules under the Native Authority Ordinance, since under Native law they possess it only in their personal areas. At the same time, provision should be made, formally affirming the rights of headmen, who possess the disposition of land, as against their village headmen. Besides immigration from outside there is also inter-chiefdom and inter-village movement within the Mbeya District. No Native has a right by Native law to move and to impose himself upon a new village community within his tribe, unless he is acceptable to that community, and for this reason no alien Native, accepted within the Mbeya District, has a right to range where he will within the District. At this point, however, the question of congestion, must be considered. There is at present general agreement among the chiefs and headmen of the Mbeya District that there is congestion, real, imagined or potential : but there is no guarantee for their continued energy, foresight, or incorruptibility. Also, a headman may have views on the admission of immigrants to his area which are too lax in the opinion of his chief, an opinion either individual or guided by Government advice. Each headman possessing land rights should be required to state his principle of accepting immigrants and this should be recorded.

There will be four typical principles :—

(a) Absolute prohibition (applicable to villages near Mbeya, for example).

(b) Prohibition of new settlement by alien Natives except in place of emigrants.

(c) Prohibition of new settlement except by alien Natives already domiciled within (i) the

Mbeya District (ii) the chiefdom (iii) the headman's own group of villages.

(d) General acceptance.

In the special case of resident Natives on Mbozi farms, of whom over 40 per cent have been resident for three years or more, it should be recognized that many of these have lost or partially lost their home ties. Their normal social contacts are with other alien Natives on tribal lands, with whom intermarriage takes place. They form a younger stratum of the population but are already cultivating and grazing their cattle as well as working on farms, while the stress is likely to be on cultivation rather than work as the years pass. Hitherto, tribal lands have been open to them, but hereafter, if policy is based on the views of the indigenous headmen, they will have no alternatives but to return to their home districts or to remain on the farms, liable to instant eviction if they decline to work as often as the employers require and with the possibility of being passive thorns in the employer's flesh. The resident Native is essential, however, to the Mbozi farmer, except in the few cases where he has in the past virtually built up a village of labourers or tribal land : a settled and partly skilled labour force is needed and the Nyiha have been unable to provide it.

SOME CASES OF INHERITANCE IN NATIVE LAW

JULIUS LEWIN

The cases reported in this article have been selected in order to illustrate the nature of the business now coming before the Native Appeal Courts in South Africa.* These four cases of inheritance, or succession as lawyers call it, present a notable contrast. The first two are concerned with pure questions of Zulu and Shangaan custom respectively. The court is called on to define the way in which the custom works. Its decision is only slightly and indirectly affected by legislation in the first case and not at all in the second or Shangaan case. Knowledge of Shangaan custom whether in the form of recorded cases or any other published material, is so meagre that the court resorted to its power to summon leading tribal chiefs to its assistance.

The next two cases are entirely different. They are concerned with the interpretation of statutes which have sought to define Native rights of inheritance in certain circumstances. The materials before the court and the technique it applied to them in reaching a decision are exactly the same as they would be in similar cases concerning Europeans. The problem presented is in essence a problem of the Common law, not of Native law.

It is necessary to recognize that the special courts for Natives are to-day dealing with both types of case. Indeed, the type represented by the third and fourth reports reproduced here is probably commoner than that represented by the first and second cases. Pure questions of Native custom untouched by either direct legislation or by current legal technique are relatively rare in the courts. Litigation by Natives is now carried on within a framework of rules and procedure and in the light of judicial doctrines firmly laid down by the Common law. The old informality and vagueness of decisions based on custom have inevitably disappeared in the modern world of law.

NTSUKANA, SILWANA, AND NTULINDAWO DHLAMINI v. MUZIWOKUFA DHLAMINI, 1939. N.A.C. (Natal and Transvaal) 95.

The main question to be decided in this case was three-fold :—

(*i*) *When a Zulu kraal-head dies without having conferred status on his wives, who was his chief wife?*

(*ii*) *Does the second wife automatically become head of the ikohlo section?*

(*iii*) *If the chief wife has no son, does the son of the third wife become the indhlunkulu heir? Is his claim to that position to be preferred to that of the son of the second wife?*

Cf. The Natal Code of Native Law (reprinted in "African Studies," March 1943), *Chapter XII. See also W. G. Stafford's "Native Law in Natal," Chapter XII.*

It appears from the case that the practice of dividing the kraal into sections, though common, is not universal among the Zulu.

Durban : 3 August, 1939. Before E. N. Braatvedt, President, H. G. W. Arbuthnot and R. P. Campbell, Members of the Court.

Appeal from Court of Native Commissioner, Mahlabatini.

Braatvedt, P :—

The Respondent brought an action against the Appellants in the Court of the Native Commissioner at Mahlabatini, Zululand, claiming certain movable property—including livestock—in the estate of the late Langalibalele Dhlamini.

The Native Commissioner gave judgment for the Plaintiff (present Respondent) for cattle and other property which the Defendants admitted was in their possession, and belonged to the estate of the late Langalibalele.

The Defendants (present Appellants) appealed against the Native Commissioner's findings on the following grounds :—

*Some *lobolo* cases in Native law were the subject of an article in this journal in September 1944.

(1) That the proceedings were entirely irregular in that, the matter in dispute being a dispute or question arising out of the administration or distribution of an estate in accordance with Native Law, it fell to be determined by the Native Commissioner in his administrative capacity only and not in his judicial capacity.

(2) That the Plaintiff was not the heir to the estate of the late Langalibalele Dhlamini, in that Plaintiff's mother was, according to law and custom, the wife of the *ikohlo* house and Plaintiff had therefore no right of succession to the said Langalibalele Dhlamini.

(3) That the third Defendant's mother was, according to law and custom, the wife of the *iqadi* house and third was, according to law and custom, the wife of the general heir of the late Langalibalele Dhlamini.

The appeal came before the then President of the Transvaal and Natal Appeal Court and two Native Commissioners who are not sitting as members of the present Court. That Court arrived at a unanimous decision on the first ground of appeal, namely that a Native Commissioner can hear and determine disputes in regard to succession to a Native's estate in his judicial capacity. The previous decision of this Court to the contrary in the case *Mohulatsi vs. Phanuel and Another* (1932 N.A.C.), was overruled, and the judgment of the Cape Division of the Native Appeal Court in the case *Moshesh vs. Moshesh* (1936 N.A.C.C. & O.) quoted with approval. That point need not, therefore, be considered any further.

In regard to the second and third grounds of appeal, the learned President expressed certain views without, however, pronouncing his final decision. The other members of the Court hesitated to subscribe to them without first obtaining further expert evidence on Zulu law and custom.

The case, was, therefore, remitted to the Native Commissioner to take such further evidence as either party might tender and thereafter to forward such evidence to this Court which would then give its decision on the second and third grounds of appeal.

It is now for the Court as presently constituted to decide those points.

It is, I think, advisable—in order to make the position perfectly clear—to restate the facts of the case.

The late Langalibalele Dhlamini was a commoner residing in the Mahlabatini District of Zululand.

He had ten wives whom he married in the following order :

(1) Nomtimba Sibiya, who had no children.
(2) Nomvelelo Mpanza who bore Respondent, another boy and three girls.
(3) oka-Ndabula, who bore the third Appellant and a girl.
(4) Kobonina Zwane, who bore two sons.
(5) Seyini Ntombela, who bore two boys and two girls.
(6) Gece Butelezi, who had no children.
(7) Newspaper Butelezi, who bore one girl.
(8) Nanzeni Shandu, who had no children.
(9) Mpompi Mtshali, who had no children.
(10) Silingile Zulu, who bore no children.

The first Appellant is the son of the late Gojela Dhlamini who died after summons had been issued. Gojela was cited as first Defendant, but on his death, before any evidence had been led, his son's name was substituted for his as first Defendant. Both Gojela and second Appellant were half-brothers of the late Langalibalele Dhlamini.

On the death of Langalibalele, his brothers Gojela and Silwane accompanied by four of Langalibalele's sons, two of his cousins, and by the Native Chief, appeared before the Native Commissioner who was acting in his administrative capacity.

They reported Langalibalele's death and gave a list of his widows and children. A diagram of Langalibalele's kraal was prepared and all those present agreed that it was correct. The diagram forms part of the record and shows that Langalibalele's hut was at the top end of the kraal with a hut containing wives Nos. 1 and 9 on its imme-

diate right, looking towards the gate, and another hut with wives Nos. 2 and 7 on its immediate left. Further down on the right hand side, were the huts of wife No. 5 and wife No. 8, while further down on the left hand side were the huts of wives Nos. 3, 4, 6 and 10.

The Native Commissioner thereupon declared that the present Respondent was the heir to the late Langalibalele.

Later in the same month, the same parties again appeared before the Native Commissioner in his administrative capacity and Gojela then announced that he had assembled the widows of Langalibalele and conferred status on them, and that he had made a division of the estate property, awarding half to the *Indhlunkulu* section and the other half to the *ikohlo* section. Second and third Appellants were present when Gojela made the announcement and no objection was raised.

His arrangement was that the second wife (Respondent's) was head of the *ikohlo* section and to her were affiliated wives Nos. 5, 6, 9 and 8.

Langalibalele's first wife, Nomtimba, was declared to be the head of the *ikohlo* section and to her were affiliated wives Nos. 3, 4, 7 and 10. The position of the huts in the kraal was obviously not considered at all when allocating status to the wives.

The Respondent was working as a policeman at Vryheid at the time and did not attend the meeting at the Native Commissioner's office. Gojela sent him a letter informing him of what had been arranged.

About a year later he instituted action in the Native Commissioner's Court, claiming the cattle and other property which had been taken by third Appellant and by Ndulo, eldest son of wife No. 4, under the award made by Gojela. He also cited Gojela and Silwane as co-defendents. He states that he did so as they dealt with the estate property. There is no evidence on the record to the effect that Gojela and Silwane derived any personal benefit from the estate. They were obviously entirely disinterested and acted bona fide throughout in an endeavour to arrive at a settlement which to them appeared an equitable one.

In regard to Ndulo, the case against him was not proceeded with as there was no proper service of summons on him.

The Plaintiff in the Native Commissioner's Court (present Respondent), alleges that he is the heir to the late Langalibalele, and he sued in that capacity for estate property alleged to have been wrongfully appropriated by his half-brothers.

No plea was recorded by the Native Commissioner and the only witness to give evidence was the Plaintiff (present Respondent).

Counsel for Defendant took exception to the summons on the ground that Plaintiff had no *locus standi in judicio* to sue. He argued that in view of the Zululand Code of Native Law of 1878, the third Appellant was the general heir.

The exception was overruled, and the Court held that the Respondent was the general heir and had the right to sue.

Counsel for both parties thereupon agreed that certain property, which they enumerated, was in possession of Defendants and belonged to the estate of Langalibalele.

Judgment was entered for the Plaintiff for the property enumerated.

It is admitted that Langalibalele did not confer status on any of his wives during his lifetime.

The questions which have to be decided are the following :—

(1) When a kraalhead dies without having conferred status on his wife, who must be regarded as his chief wife ?

(2) Does the second wife automatically become the head of the *ikohlo* section ?

(3) If the chief wife has no son, does the son of the third wife become the *Indhlunkulu* heir, and is his claim to that position stronger than the claim of the son of the second wife ?

The case was re-opened by the Native Commissioner of Mahlabatini as ordered by the Appeal Court. Witnesses holding responsible positions gave evidence on Native law and custom. Other witnesses spoke about the formalities which were observed at Langalibalele's funeral.

It is proved by overwhelming evidence—and indeed admitted by all parties concerned—that Gojela pointed out the grave site, and carried the deceased's weapons at the burial. The Respond-

ent and his full younger brother were unavoidably absent, but the third Appellant attended the funeral. He took no leading part in the proceedings. It is alleged that he was very ill at the time and unable to stand over the grave.

The fact that it was deceased's brother who conducted the funeral proceedings is, *prima facie*, an indication, according to Native custom, either that the heir was not present, or that there was at that time uncertainty as to who was the heir.

As the third Appellant was present, one would have expected him to have pointed out the grave site even if he was ill if he and those present had known that he was the heir.

The evidence given by the so-called expert witnesses on Native law and custom, is conflicting. They all agree that when a kraalhead dies without conferring status on his wives, his brothers meet and decide on the position which each widow should occupy. That is undoubtedly the procedure generally adopted throughout Zululand.

The expert witnesses, however disagree on other points. Nhlakanhlaka Butelezi, who is a man about seventy years old, holding the position of induna and Chief's deputy in Vryheid District, states that in a case such as the one mentioned, the brothers of the deceased always appoint the woman first married as the Chief wife, and if she has no sons, then the son of the second woman married becomes the heir to the estate, wives ranking according to their order of marriage. He further says that there is never an *ikohlo* or *iqadi* where the kraalhead has died without having arranged his kraal affairs.

Nkantini, who is an important Chief in Zululand, holds a different view.

He also states that the first wife of a commoner is always appointed to the position of chief wife. He goes on to say :

" The *ikholo* is chosen from any of the remaining wives, but it is Native law for brothers to make the second woman the *ikhohlo* and the third woman is placed in the *Indhlunkulu* (chief house)".

He says that it is not usual for a commoner to declare an *ikohlo* wife and that the position of the huts carries no weight where no declaration has been made and that the second wife is automatically the *ikohlo*. In this view he is supported by Mciteki Zulu, who acted as chief of an important tribe for a lengthy period.

The expert witnesses are all Zulus, and they all no doubt spoke from a firm conviction that the Zulu law as expounded by each of them was the correct one.

Since the Zulu War of 1879 there has been no national gathering such as the *umkosi* of the olden days where the laws of the land were proclaimed by the King acting in consultation with his principal chiefs and headmen, and it is therefore only to be expected that diversity of opinion on certain points has arisen in different tribes especially as the present generation has limited opportunities of ascertaining all the intricacies of Native law and custom. It is, therefore, dangerous to place very great reliance on the evidence of so-called Native experts in all cases.

The Native Codes of 1878 and 1891 which were compiled after exhaustive enquiries from the older generation of Natives and from Magistrates with wide experience, who were in many cases excellent Zulu linguists, are perhaps a safer guide to refer to than is the opinion of present-day Zulus.

It is clear from the Codes of 1878, 1891 and 1932 that the first wife of a commoner is the chief wife.

Under the 1878 Code, which applied to Zululand, until 1927, she was presumed to be the chief wife but it was competent for a kraalhead, although a commoner, to appoint any other woman to the position. Since 1891, that privilege has been taken away in Natal proper, and the 1932 Code which now operates both in Natal and Zululand, has taken away the privilege which the Zululand Natives enjoyed under the 1878 Code. It is now universal law in both sections of the province that the first wife of a commoner is the chief wife.

On the first question for decision, it must be held that Langalibalele's first wife was his chief wife. The law presumed her to be so, and her late husband's brothers cannot now relegate her to an inferior position.

The question of *ikohlo* and *iqadi* is a more complicated one.

The term *iqadi* is better known in Natal than in

Zululand where the word *Umnawe* is generally used to denote the *iqadi* heir.

Although Chief Nkantini says that it is not usual for a commoner to declare an *ikohlo* wife, I am of the opinion, based on long experience as a Native Commissioner in Zululand, that it frequently happens that *ikohlo* and *umnawe* houses are nominated, especially by men with many wives, and that the brothers of a deceased husband often make such appointments when he has failed to do so. It is, however, without a doubt, not a practice which is observed by every commoner. There are many kraals where no such appointments are made either during the husband's lifetime or after his death.

It would appear that the custom is not practised to the same extent in Natal proper.

For example in the case *Msongelwa vs. Mrau* (N.H.C. 1907), Chief Silwane, head of the powerful and well-known Cunu tribe, said that there was no such thing as an *ikohlo* in his tribe.

I shall now refer to some of the decisions given by the Natal Native High Court on the question in issue.

The Judges of that Court were in several instances men who had wide experience in dealing with Natives ; who spoke the Zulu language excellently, and who were well versed in unwritten Zulu law. Some of the cases came from Natal and some from Zululand but the Court's rulings were always the same.

In the case *Dungumuzi vs. Zuya* (N.H.C. 1915), Jackson, J. said :—

> " In the majority of cases the kraals of commoners have only the chief house or *indhlunkulu* to which an affiliation is not infrequently made to ensure the succession or to add to the wealth of that house ",

and Bennett, J. said :—

> " In view of the fact that Boyi (the deceased husband) had not created an *ikohlo*, no junior house could be affiliated to the second wife he married ".

In the case *Sipani vs. Mgitshwa* (N.H.C. 1904), it was held that the son of a younger house cannot be selected as heir to the chief house before the son of an older house, unless the younger house has been specially and publicly affiliated at the marriage, to the chief house.

Campbell, J. P. said :—

> " The fundamental rule of succession applicable to this case, is primogeniture, namely, the eldest son of the leading house becomes heir at law and the order of nature not to be interfered with unless there has been a special and public affiliation of a younger wife to the chief house of the section of the kraal concerned, for the purpose of providing an heir to it. The order of nature not having been disturbed by affiliation, the fundamental rule of primogenitive succession must be relied on in settling this dispute. No apparent reasons can be traced for Ntemba passing over Mgitshwa and selecting Sipani as his father's general heir. It was a manifestly unjust arrangement and cannct stand the test of equity. The Courts should jealously project the rights of junior heirs, and prevent them from being interfered with by the ignorance and machinations of relatives or the selfish designs of others ".

In the case *Laduma vs. Bhevu* (N.H.C. 1905), it was held that affiliation, to be valid, should be publicly declared on the day of marriage, and that expert evidence is only allowable to describe the tribal customs or local usage, but not with respect to general Native law.

The Native High Court has thus consistently held that the rule of primogenitive succession must be followed in all cases unless the kraalhead or husband has otherwise decreed. Judges have also said more than once that it is unusual for commoners to have *ikohlo* and *iqadi* houses, and Chief Nkantini supports this view when he says it is not usual for a commoner to declare an *ikohlo* wife. I feel unable to subscribe fully to that view in so far as Zululand Natives are concerned, but I agree that there are many kraals which have no *ikohlo*.

If Section 26 of the 1878 Code is interpreted to mean that the second wife married automatically establishes the *ikohlo* house and the third wife also automatically establishes the *iqadi* house unless the kraalhead otherwise specially decrees, then the division of a commoner's kraal into the three

sections would be a very common thing, in fact almost universal where a man has two or more wives, and yet the Native High Court and the expert evidence given by Chief Nkantini is to the effect that it is unusual.

Again if that interpretation is given to the section then the son of the third woman, being the *iqadi* cannot inherit *indhlunkulu* property until all sons of junior houses affiliated to the *indhlunkulu* have been excussed.

In the case before us, the 4th and 5th wives both have sons and their claim to the *indhlunkulu* property assuming affiliation, would take precedence over the claim of the *iqadi* heir.

Although the brothers of a deceased husband often confer status on the widows, and although their decisions are often accepted and acted upon without protest (in one case which came to my notice, the eldest boy of the family who was a son of the first married woman, made no protest when he was declared to be the *ikohlo*), yet no authority has been given to them by any law to so act, and any son who feels aggrieved at their decision is at liberty to institute action in a court of law.

The Courts must then decide the issue strictly according to the law.

The object of establishing an *ikohlo* is to circumvent the strict application of the law of primogeniture whereby all property devolved on the general heir. If then, a man with many wives and rich in cattle should die without having divided his kraal into sections, his brothers might appoint an *ikohlo* and affiliate some of the wives to that house so that the *indhlunkulu* heir should not inherit the whole property.

A husband who does divide his kraal into sections, would also, if well-to-do, give some of the kraal cattle to the *ikohlo* house. No doubt the motive behind the appointment made in the case before us was that there should be a fair division of the estate property and Gojela's action was actuated by a sense of fair play.

The Respondent, however, has not accepted this arrangement, and relies on his legal rights. As Langalibalele's first and chief wife had no sons, the Respondent, by the law of primogeniture, as the son of the second wife, becomes the general heir, for his father did not divide his kraal into sections, and his uncles had no legal right to do so.

The decisions of the Native High Court have laid down that in such cases the Code of 1878 applied, and this is a case where the women were married while that Code was in force in Zululand. I am of the opinion that the decisions referred to were correct, for if Section 26 is construed to mean that the *ikohlo* and *iqadi* are automatically established, then as already pointed out, practically all commoners with several wives would have kraals divided into sections and we know that such is not the case.

The new Code of 1932 has not changed the position. Section 97 of the new Code makes it clear that there are not more than two senior houses in the kraal of a commoner, except in certain cases of men of influence or wealth, and not more than three senior houses in the kraal of a chief. The senior houses are known as the *indhlunkulu*, *ikohlo* and *iqadi*.

The definition of *Indhlunkulu* is "the chief house in a kraal"; *Ikohlo* is the left-hand senior house of a kraal which has been divided into sections as described in Section 100; and *Iqadi* is the right-hand senior house of a kraal which has been divided into sections as described in Section 100. For purposes of succession it ranks next to the *indhlunkulu* section. Houses may be affiliated to each one of the senior houses.

Section 97 (1) (a) also provides that whenever a customary union is contracted by a kraalhead, a house, which is either a senior or an affiliated house, is established for the bride, but Section 97 (3) provides that in the absence of affiliation, the various houses in a kraal are distinct from and independent of each other and each may acquire its own property and property rights. Subsection (3) either contradicts or modifies subsection (1) (a) which makes it imperative that each house established by a union must be either a senior or affiliated house.

Section 99 (2) states that if no formal pronouncement or declaration of status is made by the kraalhead at the time of the celebration of the union, the second wife ranks next to the chief wife and her house becomes a senior house ranking

next to the *indhlunkulu*, houses established by subsequent customary unions becoming affiliated to the *indhlunkulu* or the other senior house, i.e. the house of the second wife married.

The meaning of this section seems to be that the second woman to marry becomes—in the absence of public declaration—the *ikohlo*. Yet the definition of *ikohlo* is the left-hand senior house of a kraal which has been divided into sections as described in Section 100, which reads as follows:—

> " A formal pronouncement or declaration of status at the time of the celebration of a customary union is made in pursuance of the intention of the kraalhead to divide his kraal into sections, of which there may be four, though in actual practice, except in the case of chiefs and others of rank, influence or wealth, there are seldom more than two. These sections are (1) *Indhlunkulu*, (2) *Ikohlo*,' (3) *Iqadi*, (4) and inferior section composed of the houses of poor relatives and strangers."

In view of the definition of *ikohlo*, such a house cannot be established except where there has been a formal pronouncement at the celebration of the union as explained in Section 100.

Section 99 (2) seeks to provide for cases where no pronouncement has been made. Although it appears that it was intended that in such case the second woman married should automatically become the *ikohlo*, since she is referred to as a " senior house," yet she cannot be so regarded because of the definition of *ikohlo* read with Section 100.

Section 111 confirms this view, for there it is provided that upon the death of a kraalhead whose kraal has not been divided into sections as in Section 100 described, the heirship to the kraal and *indhlunkulu* property is determined in accordance with the table set out in Section 110, " save that in such a case, there is no *iqadi* or *ikohlo* and the senior houses rank according to the priority of their establishment with the result that if there be no heir in the *indhlunkulu*, or in any house affiliated thereto, recourse is had to the next senior house and its affiliated houses in the order of their affiliation in Section 99 (2) and 111, for those sections refer to cases where no pronouncement has been made at the celebration of the marriage and where no division of the kraal has been made.

If it was intended that there must be affiliation, whether publicly announced or not, then what is the meaning of Section 97 (3)? The various sections to which reference has been made are so conflicting and ambiguous that it is not possible to interpret the exact intention of the Legislature.

Under the new Code also I can find no authority for departing from the well-established decisions of the Courts that the Law of primogeniture must be observed where a husband has not divided his kraal into sections.

The general heir is entitled to both the kraal and *indhlunkulu* property, the other sons by junior wives being entitled only to the house property of their respective houses and to such kraal property which may have been given by their father in his lifetime.

As Gojela and Silwane merely endeavoured to make what they considered to be an equitable division of the kraal property and as it was not compulsory for anyone to have accepted their ruling, they should not, in my opinion have been cited as co-defendants in this action, and it is unfortunate that Gojela's minor heir, who had nothing whatsoever to do with the arrangements, should have been brought into Court.

In so far as the third appellant, Ntulindawo, is concerned, the Native Commissioner's judgment for kraal property in his possession is correct.

The third Appellant must bear all the costs in this matter since he has wrongly contended that he is the general heir.

The order of this Court is that the appeal in so far as the third Appellant is concerned is dismissed with costs, but in regard to 1st and 2nd Appellants the appeal is upheld with costs and the Native Commissioner's judgment in their case altered to read: " For the first and second Defendants with costs ".

JOSEPH MAGANU v. JIM MAGANU, 1938. N.A.C. (Natal and Transvaal) 14.

The precise nature of Shangaan custom relating to marriage, inheritance, and dowry is discussed in

this case. The chiefs who were summoned to act as assessors told the court that the Shangaans do not divide their kraal as the Zulus and the Xhosa usually do. They have only one principal house to which all the others are subordinate, ranking in order of marriage.

The numerous questions put to and the replies received from the Native assessors are appended to the court's judgment in the law reports.

Pretoria: 20 September, 1937. Before A. G. McLoughlin, President, P. A. Linington and W. G. Thompson, Members of the Court.

Appeal from the Court of Native Commissioner, Sibasa.

Judgment reserved and delivered at Durban on 5 February, 1938.

McLoughlin, P.:

In the Native Commissioner's Court Joseph Maganu sued his half-brother, Jim Maganu, for certain 77 head of cattle received in or about 1916 by Defendant's father in respect of the *lobolo* of plaintiff's full sister Nellie, of which Defendant took possession in 1933.

He also claimed a sum of £40, being cash received by his father for *lobolo* of Plaintiff's full sister, Tsatsawane about 1923, of which Defendant took possession about 1925. Judgment was entered for Defendant with costs.

The evidence discloses that parties are sons of Makandale Maganu, who lived and died in Masia's Location in the Sibasa district; that Makandale Maganu was a Shangaan, but it has not been ascertained to which clan or section of that tribe he belonged.

The parties removed from the ancestral home, Plaintiff about three years ago and Defendant some seven years ago, and are now residing in different locations—the Defendant under Chief Mhinga of the vaPonga branch of the Shangaans and Plaintiff under Chief Hasane of the same branch.

The case was heard and decided under Shangaan custom. In view of the divergent accounts of custom given by the parties and the absence of decisions on the point, this Court called to its assistance the leading chiefs of the Shangaan nation as assessors.

From their replies it appears that two systems of inheritance and succession are practised by the Shangaan.

One portion, consisting of the Zuluised element under Chiefs Tulelamahashe and Muhlaba, follow a modified form of Zulu custom in establishing junior houses with the Zulu form of succession and inheritance in those houses.

The other section, including the people of Chiefs Mhinga, Mamitwa and Shikundu, follow a system differing completely therefrom. The eldest son of the first and great wife is universal heir to all the property in all the houses set up by the father. He is burdened with the duty of providing for those houses and especially the *lobolo* of their sons.

It appears, moreover, that under this system all the *lobolo* of daughters of the junior houses accrue to the universal heir; that the custom of *Etula* is not followed; that it is permissible for a father to allocate the *lobolo* of a particular daughter for the use of a son and also to allot to him any other cattle as his own for the purpose mainly of acquiring a wife. Such allocation relieved the father and likewise his heir from further liability to provide a wife for such son.

It would seem, however, that following the decision in Tafeni *versus* Booi 3 N.A.C., Transkei, p. 192; M. Masheme *versus* Scott Nelani 4 N.A.C. (Transkei), p. 43; and Cebe *versus* Silimela 6 N.A.C. (Transkei), p. 14, the case should be heard under Venda law for the dispute is in regard to an inheritance which accrued at the death of the father who lived and died in a Venda location. Under Venda custom undistributed property not yet applied to the use of any of the deceased's houses accrues to the universal heir in trust. It would seem that the parties have this idea in mind in contesting the present case for the Plaintiff's, claim is based directly on an alleged appropriation by the father and the defence is that though the cattle are held in trust for the use of the house from which they were derived, yet having fulfilled the obligation of providing a wife for Plaintiff,

the latter has no personal claim to the cattle or money.

Neither party relies on the Zulu custom of the accrual of *lobolo* to the bride's house as house property.

It thus appears that the case must be decided on the claim based on a direct appropriation of the *lobolo* of Nellie to Plaintiff and that of Tsatsawane to Freddie, the younger brother of Plaintiff in the same house. Indeed, Plaintiff states (page 3 of typed copy): " it is the custom that an elder son inherits all the father's estate, but these things were given to me by my father to buy a wife."

Dealing first with the claim for the 77 head of cattle derived from Nellie's *lobolo*, the evidence for Plaintiff is contradictory, unconvincing and inadequate to establish his contention that an allotment was made to him of Nellie's *lobolo*.

He himself states, " I was not present, but I was told that the *lobolo* to be paid for Nellie was to be mine " . . . " It was to supply me with a wife " . . . " Nellie's *lobolo* was to enable me to get a wife. I did not get the wife." He then proceeds to testify that a woman Ngwabanazela was his wife (now deceased); and that he got her with his own money. " I paid for her myself ", he states. He continues " My late father paid the *lobolo* for my wife Ngwamazebandlela. I now say my father did not pay *lobolo* for my wife ".

He alleges that he was told by Nellie and Mpumla of the allocation—he being then too small himself.

Nellie, who was called by Plaintiff, states that her father allocated the cattle to Plaintiff—" they were to buy a wife for Plaintiff ". Then she adds " the *lobolo* for Ngwamazebandlela was paid with a little money when our father was alive. I can't say how much. This money was paid by our father ". " All I know about Ngwamazebandlela is that old Maganu paid some (cattle) for her as *lobolo* as a wife for Plaintiff."

Plaintiff's only other witness is Mapumule who avers that old Maganu brought six head of cattle to him saying they were the property of Joseph and were for a wife for him.

The Plaintiff's case is inherently defective. If, as he contends, the cattle were to provide a wife for him, his claim was extinguished when a wife was so provided as Nellie alleges. If the wife was not provided by the old man, Maganu, some explanation for this failure is due. The cattle were there and available. Plaintiff's age was no obstacle under Shangaan custom. In any event he was registered for taxes soon after his father's death.

The record is silent on the point of the winding up of the deceased's estate after the termination of the mourning for the late Maganu when claims of this nature are discussed and settled.

Moreover, the Plaintiff, though battling to provide a *lobolo* from his own earnings from 1927 till 1930, apparently never pursued his claim to the cattle provided for this very purpose, if his story be true. He stated, on being recalled by the Native Commissioner, that he first went to Defendant to claim his property in 1933. He states: " He (Defendant) said the cattle were his. I did not press him for his reasons ". He admits he did not go to the Native Commissioner's office to complain.

Apart from the failure to prove that the alleged allotment was made in Council according to custom, the facts and the probabilities are entirely against the Palintiff's contention and he must fail. It is true that Defendant has not satisfactorily explained his own delay in assuming control of the cattle in question. He has, however, been in possession since 1933, i.e. some 8 years after the death of Maganu. He obtained them from the custodian Mapumule without the use of force and indeed rewarded Mapumule for his services. The handing over of this stock and acceptance of a reward is in Native custom an acknowledgment of the right of the payer to the property in question.

Mapumule's inactivity in resisting Defendant's demand, Nellie's remark that since her father's death she has not discussed the matter of the cattle with Defendant and Plaintiff's own admission that although he complained to his Uncle Breakfast the latter took no action all go to confirm the impression that Defendant was the real owner. It is significant that Breakfast has not been called by Plaintiff.

The Defendant is therefore entitled to the judgment in his favour although it would appear from Defendant's remark " I know these cattle belong to the house of Plaintiff. It is true that cattle obtained by a house is for the use of a house ", that he is prepared to admit a certain right of Plaintiff's house in the cattle.

The true interpretation of these words seems to be found in the replies of the assessors, that while a house continues to stand after the death of the husband cattle placed there remain for the use of that house although ownership vests in the general heir who is charged with the duty of providing a wife for each son of that house and for the upkeep of the house and the maintenance of its inmates.

It will be remembered that the general heir is trustee of the family and holds the property as such under Native custom and not as a sole unemcumbered owner as in common law and it becomes clear that unless there has been a personal appropriation of specific cattle to an individual member of a family a personal claim cannct in Shangaan law or Venda law, whichever be applicable to the parties, be preferred by a younger or junior male of the family to the estate or a portion thereof.

The judgment of the Native Commissicner will therefore nct be disturbed in so far as it deals with this item of Plaintiff's claim.

Much of the foregoing remarks apply with equal force to the second claim for £40—as between the parties.

This claim, however, is one on which the Plaintiff cannct succeed on his own showing. The allotment, if any, is alleged to have been made to Freddie who is the proper person to pursue a claim based on an allotment to him.

Plaintiff's contention to the contrary notwithstanding, the individual responsible for the provision of *lobolo* for Freddie's first wife is the Defendant as general heir.

The appeal will accordingly be dismissed with costs.

LININGTON (Member):

Appellant (Plaintiff in the Court below) had claimed from Respondent (Defendant) delivery of 77 head of cattle, being 6 beasts and their progeny received as dowry for his (Plaintiff's) sister Nellie, and the sum of £40 received for his sister Tsatsawane.

Defendant in his plea admitted that £60 cash was received by his late father as dowry for Nellie, and £57 cash and two beasts for Tsatsawane but stated that he inherited these sums and cattle. Defendant denied that Plaintiff had any claim to the property, according to Native custom.

The law applied in the hearing of the case was Tshangaan custom, and judgment was given for Defendant with costs.

Plaintiff had appealed against the judgment on the following grounds :—

(a) That the judgment is against the evidence and against the weight of evidence.

(b) That the Commissioner was influenced wrongly in arriving at his decision by a supposed Shangaan custom relating to rights and liabilities arising upon the death of the head of the house.

(c) That the Commissicner has not decided correctly whether the contract in regard to the cattle and moneys claimed was in fact entered into by the deceased or not.

(d) That the onus which rested upon the Defendant at the close of the Plaintiff's case has not been discharged by the Defendant.

Appellant is a son of the minor house and Respondent is the eldest son of the principal house of the late Maganu, a Tshangaan resident in the Sibasa District. Appellant and Nellie and Tsatsawane are children of one and the same house.

Appellant's evidence that his late father said he should have Nellie's *lobolo* is hearsay. He claims that the *lobolo* was to be used by him to acquire a wife and it has not been so used. He states that he married Ngwabanazela (now dead) with *lobolo* earned by his own labour and that " according to our custom my father has to bring me one wife only. If my father dies, then my elder brother has to supply me with a wife. This is a debt assumed by an elder brother when he inherits an estate if the father has not already given the younger son a wife." Appellant after saying that he got Ngwabanazela with his own money,

went on to state " My late father paid the *lobolo* for my wife Ngwabanazela. I now say that my father did not pay *lobolo* for my wife." Nellie giving evidence on behalf of Appellant says "All I know about Ngwabanazela is that old Maganu paid some for her as *lobolo* as a wife for Plaintiff ". She also says that her father died about 1925, that Appellant was not of a marriagable age at that time and that Ngwabanazela was not living with him before old Maganu died. Respondent says that he paid the *lobolo* for Ngwabanazela out of property he inherited from his father. Two witnesses testify to the payment of the *lobolo* by Defendant.

This Court sees no good reason for disturbing the acceptance by the Additional Native Commissioner of Respondent's evidence in regard to the source of the *lobolo* for Ngwabanazela based as it is on credibility. Defendant must be held to have discharged the liability upon himself and his father's estate in respect of the provision of a wife for Appellant.

Appellant claims that there was a definite allocation of Nellie's *lobolo* to his house and that he is entitled to it and its natural increase. He has no personal knowledge of his late father's action or intention in regard to the *lobolo*. His witness Mapumule says " I had cattle belonging to old Maganu. He brought them to me saying that they are the property of Joseph. They were six. They were for a wife for him ". Nellie says £60 was paid as my *lobolo*. My father bought cattle with this money. They were six. They were taken to Mapumule's. They were to buy a wife for Plaintiff. I was told this by my father ". It is clear from the evidence of Respondent and the opinions of the Native assessors summoned to the assistance of this Court that a kraal head may allocate cattle to the son of a minor house but that this must be done with the presence of the members of the family including or with the knowledge of the son of the principal house. A secret agreement of that nature between a father and his minor son is contrary to custom and after the father's death would not be honoured by the other members through lack of proof. Appellant has not shown that this custom was not followed in regard to the alleged allotment of Nellie's *lobolo* to him and Respondent denies that a family council was held or that he was informed by his late father of such an allotment. Appellant must be held to have failed on this point.

In regard to Appellant's claim for the *lobolo* paid for his sister Tsatsawane, Appellant admits that he was very young at the time of the alleged transaction and that he was told " these things " by Shimange who is now dead. He says he saw £57 being paid to his father for Tsatsawane and £40 of this £57 being handed over to Shimange for a wife for his (Appellant's) younger brother Freddie Mahasane of the same house, and that Respondent was not present. He states that according to custom he and not Respondent has to provide a wife for Freddie. He produced one witness (his sister Nellie) who testified that when her father died there was a party at which Shimange produced £40 saying he was told by the old man that this was money for a wife for Appellant.

Respondent admits that he received £252 from Shimange being money placed in his charge by old Maganu and that the *lobolo* for Tsatsawane may have been portion of it. He says the *lobolo* was £57 and 2 beasts, and that it is his duty to provide a wife for Freddie. He says he received the whole of his late father's estate. He denies the statement by Nellie.

Here again there is no evidence that custom was followed in regard to the alleged allotment of Tsatsawane's *lobolo* to Applicant. The very slender evidence by Appellant and his sister is insufficient proof of the supposed private arrangement between the deceased Maganu and Shimange.

Native assessors Mhinga and Shikundu state that it is the duty of the kraal head to provide *lobolo* for the younger son of a minor house ; that if the kraal head is dead that duty falls upon the eldest son of the principal house and that it is not an obligation upon the eldest son of the minor house to supply the *lobolo* of his younger brother. This opinion supports the Respondent's views. The same two assessors state that the *lobolo* does not belong to the hut of the girl's mother, on the death of the kraal head the cattle are kept in the same

kraal under the heir to the principal house, who is the owner of all the deceased's estate, the huts merely have the use of the cattle that attach to them and they cannot be disposed of except under the authority of the heir of the principal house.

It appears to the Court that the above-mentioned assessors described Tshangaan law proper and that the customs enumerated by the other three assessors differed because they had in the past been influenced by the Zulu practice. The parties belong to the pure Tshangaan race and the Court has therefore followed the Native custom applicable to them.

Appellant is not entitled to the dowries of his sisters Nellie and Tsatsawane which Respondent lawfully inherited as heir to all the property of his late father.

THOMPSON (Member):

In this matter, which is an appeal from a decision of the Additional Native Commissioner, Sibasa, I concur in the finding of the learned President in whose judgment the facts in this case have been fully set out and do not call for further review.

The parties are the sons of the late Makandale Maganu, Appellant being the son of a junior house and Respondent the eldest son of the first or great house.

Since the death of their father they have taken up residence in different locations and Appellant has sought to recover certain 77 head of cattle taken by Respondent which he alleges were allotted to him by his father to obtain a wife; and a sum of £40 said to have been handed by his father to Shimange with the intention of providing a wife for his younger brother Freddie.

The evidence discloses that the Appellant subsequently obtained a wife which he says he got with his own money but according to the evidence of his witness, Nellie, through whom most of his information was obtained, the dowry for this wife was paid by his father probably partly in money and partly with cattle thus relieving the father of any further obligation in respect of *lobolo*.

The parties are both Shangaans and appear to belong to the same section of the Shangaan tribe.

From Plaintiff's own evidence and the answers given by certain of the Chiefs who were called to the assistance of the Court, it is clear that under the rules of succession followed by this section of the Shangaan race, ownership rights in the property of a deceased husband pass to the eldest son of the first house and that other houses have merely a right to the use of property placed in such houses. It therefore follows that whatever rights Appellant's house may have to the use of the property he has no personal right to the cattle or the money claimed.

The Appellant was evidently aware of the position for he stated in evidence "It is custom that an elder son inherits all the father's estate". He goes on to say "but these things were given to me by my father to buy a wife", thus indicating that his claim is based on a right of ownership derived from the alleged allotment of the cattle to him by his father. The allotment, if any, was not however made according to custom and his claim on the evidence adduced must fail.

In regard to the claim of £40, apart from the fact that the alleged allotment of this amount was made in favour of Freddie, Appellant stated under cross-examination in the lower Court "If my father dies then my elder brother has to supply me with a wife. This is a debt assumed by an elder brother when he inherits an estate if the father has not already given the younger son a wife."

There is no doubt, in my opinion, that he was referring to the general heir and that the dowry for Freddie's first wife must be provided by Respondent in his capacity as heir to the Estate.

It is true that Appellant stated under re-examination "I have to provide Freddie with a wife with this £40", but as this is contrary to custom his claim cannot be upheld.

The appeal must therefore be dismissed with costs.

PIET MALATJE v. ESTATE LATE IZAK MALATJE, 1939 N.A.C. (Natal and Transvaal) 149.

This is a case where a Native did what many do —he married both under the Common law and by

Native custom. The Native Administration Act of 1927 *to some extent protected the rights of a woman, who is a partner to a customary union, and her children when her husband leaves her in order to contract a marriage under the Common law. The Act did not, however, contemplate a case like this one in which the customary union is entered into not* before *the marriage but* after *its dissolution through the death of the first wife. The question arose here whether the children of such a subsequent union have any rights of inheritance or whether the whole of the deceased's estate should go to the children of his first marriage. The Court, bound by the statute, held that the latter rule must be followed. The result is unsatisfactory and the law requires amendment by further legislation.*

Pretoria: 13 December, 1939. Before E. N. Braatvedt, President, A. Eyles and T. W. H. D. Ramsay, Members of the Court.

Appeal from the Court of Native Commissioner, Pietersburg.

Eyles (Member), delivering the judgment of the Court:

The appeal comes before the Court in terms of the provisions of Section 3 (5) of the Regulations under Government Notice No. 1664 of 1929.

The late Isaac Katlatje was married by civil rites on 26 August 1908 to Diana Modibe. About 1917, Diana Modibe died leaving three children, the issue of this marriage, who are still living.

In 1924 Isaac entered into a customary union with one Dina, who has had five children by Isaac, all of whom are still alive. Shortly after this union, Isaac entered into a second customary union with one Helena Matlatje and the issue of this union is four children who are also all still living. Isaac died about March 1936, leaving no will.

At the time of the death of Isaac's first wife, there were apparently no assets in the estate and there is no record of any winding up of the estate at that stage (if such were necessary).

During the subsistence of the customary unions, an estate was amassed—including the purchase of land in about 1933. On the death of Isaac, the question arose as to who should succeed to his estate.

On the 20 May 1936, and acting under the provisions of Government Notice No. 1664 of 1929, the Native Commissioner of Pietersburg district (in which the late Isaac resided), appointed Mr. J. F. Kirsten to administer the estate of the deceased.

On the 20 February, 1939, Mr. Kirsten lodged with the Native Commissioner at Pietersburg his first liquidation account of this estate in which he proposed to hand over the whole of the nett proceeds of the estate in equal shares to the three children of the deceased by his first wife, Diana Modibe, to the entire exclusion of the children by the subsequent customary unions.

To this account objection was taken by Mr. L. B. Gillett on behalf of Piet Matlatje, eldest son of the deceased by his first customary union and it was then submitted that Piet Matlatje should succeed under Native custom to the whole estate to the exclusion of all other children of the late Isaac.

This objection was dealt with by the Native Commissioner in terms of Section 3 (4) of the Regulations mentioned and the Commissioner upheld the allocation suggested by the administrator in the account drawn up by him. It is this decision which is brought in appeal to this Court.

Although in the notice of appeal it is claimed that Piet Matlatje is the rightful and sole heir to the whole of estate of Isaac, this contention was not adhered to when the matter was argued before this Court. Mr. Kraut, on behalf of the Appellant, stated that he was not prepared to support this view and submitted that the correct view was all twelve children of the late Isaac should share equally in the proceeds of the estate for the reason that the two subsequent customary unions were valid unions, the children of which were legitimate and to whom rights of inheritance had accrued equally with the children of the civil marriage.

Alternatively, he submitted that the estate should be divided into twelve equal parts, three-twelfths to be allocated to the children of the civil marriage for distribution *ab intestato* and nine-twelfths to be allocated to the remaining children *according to Native custom.*

In determining this question it is essential to ascertain what statutory provisions are applicable.

Section 23 (10) (a) or Act No. 38 of 1927, empowers the Governor-General to make regulations " prescribing the manner in which the estates of deceased Natives shall be administered and distributed ". These regulations were duly published under Government Notice No. 1664 dated the 21 September, 1929.

The relevant portion of these regulations is Section 2 (b), which reads :

" If a Native dies leaving no valid will, so much of his property as does not fall within the provision of sub-section (1) or sub-section (2) of Section 23 of the Act, shall be distributed in the manner following, viz :—

(b) If the deceased had during his lifetime contracted a marriage in community of property or under ante-nuptial contract, the property shall devolve *as if he had been a European.*"

Section 23 (1) of the Act read as follows :—

" All movable property belonging to a Native and allotted by him or accruing under Native law or custom to any woman with whom he lived in a customary union or to any house, shall upon his death devolve and be administered under Native law and custom."

It is not contended that any portion of this estate falls under this head.

(Sub-section (2) of this section does not concern this case.)

The provisions of Section 22 (7) of the Act safeguard the interests of wife and children of a customary union entered *prior* to a civil marriage, but we are here concerned with the rights flowing from customary unions entered into *after* a civil marriage had been dissolved by the death of the wife.

Sub-section (8) of Section 22 reads—

" *Nothing in this section or in Section 23* shall affect any legal right which has accrued or may accrue as the result of a marriage in community of property contracted before the commencement of this Act."

The first marriage of Isaac was such a marriage.

What are the rights, therefore, which accrued to the children of the deceased by his civil marriage ? Obviously to succeed *ab intestato* to the estate of their father on his death.

It is argued on behalf of the Appellant that, had Isaac married again under civil law, the issue of such second marriage would share equally with the children of the first marriage. That is a proposition which must, of course, be accepted. Such marriage would have been a " marriage in community of property contracted before the commencement of this Act ". It was further contended, however, that the customary unions being valid, the children of such customary unions were legitimate and that they should be given a status with the children of the civil marriage for the purpose of succession.

This latter view is one which the Court finds itself unable to uphold in view of the express provisions of Section 22 (8), referred to above.

An important and obvious distinction must be drawn between (a) the children of a customary union entered into *prior* to a civil marriage whose rights accrue before a civil marriage has been contracted and which are safeguarded by Section 22 (7) ; (b) the children of a civil marriage whose rights are safeguarded by the provisions of Section 22 (8), and (c), the children of a customary union entered into *after* a civil marriage. In the latter case, whatever the status of these children may be in other respects, it is clear that they cannot affect the rights of *succession* which have accrued or accrue to the children of a *prior* civil marriage.

In the absence of any *statutory* rights of succession granted to the third group mentioned above, the further question arises as to whether this Court should intervene in the interests of these children. The only answer to this question is that where the legislation has made no provision for succession, it is the duty of this Court to enforce those provisions in accordance with the clear directions of the statute.

The conclusion come to, therefore, is that the appeal must fail and the decision of the Native Commissioner is upheld with costs.

JULIA SHATA v. MOCHOLO DUGMORE SHATA, 1942. N.A.C. (Cape and O.F.S.) 42.

The deceased here was also married twice, on both occasions under the common law. By his first wife he had a son Mocholo, the defendant. After her death, he married Julia, the plaintiff. On his death in 1940, *Julia claimed to be the sole heir of his property. The court upheld her claim. The regulations regarding succession to property lay down that where a man was married in community of property or by ante-nuptial contract, his estate shall devolve according to the law affecting Europeans. Under the Succession Act of* 1934 *(which thus also affects Natives), where an estate is worth less than* £600, *the surviving spouse inherits the whole of it. That is why the deceased's son does not get a share of it in this case.*

Kokstad, 20 May, 1942: Before H. G. Scott, Esq., Acting President, Messrs. E. W. Thomas and J. P. Cowan, Members of the Court.

Appeal from the Court of the Native Commissioner, Matatiele.

Scott (Acting President) delivering the judgment of the Court.

The facts in this case are as follows :—

1. Daniel Shata married one Sylvian by Christian rites on 3 April 1905 in community of property, and Mocholo Dugmore Shata is the eldest son of that Union.

2. On 26 August 1919, after the death of his first wife, Daniel Shata married one Julia, community of property being excluded by virtue of section 5 (1) of Proclamation No. 142 of 1910.

3. Daniel Shata died intestate on 26 December, 1940, without having made any allotment of his property to his wife.

4. Mocholo Dugmore Shata was appointed to represent the estate on 31 March 1941, in terms of Government Notice No. 1664 of 1929.

5. Julia Shata, claiming to be sole heiress *ab intestato* of Daniel Shata, applied in the Court of the Native Commissioner at Matatiele for an interdict against Mocholo Dugmore Shata restraining him from alienating any of the assets of the estate pending the institution of an action by her calling upon him for an account of his administration of the estate and delivery to her of the assets.

6. The estate does not exceed £600 in value.

7. A rule *nisi* was granted on the 10 October 1941, returnable on 13 November 1941, the rule to act as a temporary interdict.

On the return day the interdict was discharged and applicant ordered to pay costs, and the appeal is against that order on the ground that appellant is the sole heiress of the late Daniel Shata and as such entitled to the interdict applied for.

Before this Court, Mr. Zietsman, for appellant, in the course of his able argument, raised many points of considerable interest and importance; among others, the consequences in regard to succession to Native estates following on amendments to the law from 1910 onwards and the question as to whether section 2 (e) of Government Notice No. 1664 of 1929 is not *ultra vires* the powers of the Governor-General under sub-section (10) of section *twenty-three* of Act No. 38 of 1927. In the view taken by this Court of this case it is not necessary to give any decision on these points raised by Mr. Zietsman.

It is quite clear that the property in this estate does not fall within the purview of sub-section (1) amd (2) of section *twenty-three* of Act No. 38 of 1927, and consequently was capable of being devised by will in terms of sub-section (3) of the same section. The late Daniel Shata having died intestate his movable property must be dealt with in terms of section 2 of Government Notice No. 1664 of 1929. The portions of that Government Notice relevant to this case are paragraphs (c) and (e), which read respectively as follows :—

"(c) If the deceased had during his lifetime contracted a marriage in community of property or under ante-nuptial contract, the property shall devolve as if he had been a European."

"(e) If the deceased does not fall under any of the classes described in paragraphs (a), (b), (c) and (d) the property shall be distributed according to Native law and custom."

The Assistant Native Commissioner held that, as the marriage between the late Daniel Shata and appellant was, in terms of section 5 (1) of Proclamation No. 142 of 1910, out of community of

property, it obviously is not one of the forms of marriage referred to in section 2 (c) of Government Notice No. 1664 of 1929 and, therefore, the estate falls to be administered under section 2 (e) of the said Government Notice.

It is obvious that the decision of this case depends upon the interpretation to be placed upon section 2 (c) above quoted.

It was contended by Mr. Elliot, for respondent, that the Court should read into section 2 (c) between the word " property " and " shall devolve " the words " of the parties to such marriage ".

With this contention this Court cannot agree. It is an elementary rule of interpretation that effect must be given to the ordinary grammatical meaning of the words used.

As Maxwell says in his work on the Interpretation of Statutes (7th Edition, page 3) :—

" When the language is not only plain but admits of but one meaning, the task of interpretation can hardly be said to arise. . . . Such language best declared, without more, the intention of the law given and is decisive of it. The Legislature must be intended to mean what it has plainly expressed, and consequently there is no room for construction. It matters not in such a case what the consequence may be.

Where by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the Legislature, it must be enforced, even though it be absurd or mischievous. The underlying principle is that the meaning and intention of a statute must be collected from the plain and unambiguous expressions used therein rather than from any notions which may be entertained by the Court as to what is just and expedient. If the words go beyond what was probably the intention, effect must nevertheless be given to them. They cannot be construed, contrary to their meaning, as embracing or excluding cases merely because no good reason appears why they should be excluded or embraced. However unjust, arbitary or inconvenient the meaning conveyed may be, it must receive its full effect. When once the meaning is plain, it is not the province of a Court to scan its wisdom or its policy. Its duty is not to make the law reasonable, but to expound it as it stands according to the real sense of the words ".

In the cases of *ex parte* the Minister of Justice *in re* Rex vs. Jocabson and Levy (1931 A.D. 466) and Smith vs. Clark (1935 A.D. 224), it was pointed out that it is not for the Court to speculate what Parliament might have intended to mean in cases where the words are clear and unambiguous, however surprising the result. Indeed in these two cases the results *were* most surprising, but the Court refused to put any other than the natural grammatical interpretation on the words used and refused to add to or take away anything though it seemed obvious that Parliament intended something very different.

When the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence, by, amongst other things, interpolating other words, under the influence, no doubt, of an irresistible conviction that the Legislature could not possibly have intended what its words signify, and that the modifications thus made are mere corrections of careless language and really give the true meaning (see Maxwell at page 198). A sense of the possible injustice of an interpretation ought not to induce judges to do violence to well-settled rules of construction, but it may properly lead to the selection of one rather than the other of two reasonable interpretations (*ibid.* page 174).

Now before the Court can modify the language of an enactment it must be satisfied from an examination of the general scope and object of the Act that the words used do not express the real intention of the Legislature and then only when they are capable of two meanings. One of the objects of Act No. 38 of 1927 was to deal with the administration and distribution of Native estates. Section 23 (3) of the Act as originally enacted provided that any property in the estate of a deceased Native not devised by will should devolve and be administered according to Native law and

custom, but this provision was deleted by Act No. 9 of 1929, thus leaving the way open for the promulgation of regulations under the powers granted to the Governor-General by sub-section 10 of section *twenty-three* of the Act. If we examine Government Notice No. 1664 of 1929, we find that it deals with the intestate estates of deceased Natives domiciled outside the Union, holders of letters of exemption in Natal, Natives married in community of property or by ante-nuptial contract and detribalised Natives generally. The object clearly was to deal with these estates in a different manner to those of ordinary tribal Natives. The regulations do not include the estates of those Natives whose only marriage was one out of community of property by virtue merely of sub-section (6) of section *twenty-two* of Act No. 38 of 1927 (which re-enacted in slightly modified form section 5 (1) of Proclamation No. 142 of 1910). In the opinion of this Court, this constitutes a *casus omissus* in cases where there has been no prior customary union, but it is not of any consequence in the present enquiry, where the deceased was first married in community of property. The words used in paragraph (c) of Government Notice No. 1664 are clear and definite and admit of only one meaning, namely, that if the deceased had at any time contracted a marriage in community of property or by ante-nuptial contract his state on his decease had to devolve as though he had been a European. If this paragraph was intended to apply only to the estate of the parties to that particular marriage, it would have been a simple thing to say so. That this was not done shows that the regulations were meant to apply to a Native who had, as it were, divorced himself from ordinary Native law by availing himself of the special facilities and privileges provided under the ordinary Common law and the number of his marriages and the form thereof did not affect the position.

The question as to what effect this paragraph would have in a case where such a Native, after the dissolution of his Common law marriage, contracted a Native customary union and allotted property to his customary union partner is a thorny one and, fortunately, does not need to be decided in this case. A further complicating factor in Native succession is introduced by section 19 of Proclamation No. 227 of 1898, which provides that the property of a deceased holder of a quitrent title issued under that proclamation shall, if he dies without a will, devolve according to Native law and custom. This section makes no distinction between Natives married by Christian or civil rites and section 23 of the Proclamation expressly prohibits the devising by will of the allotment for which he holds title *and of other immovable property*.

These points are mentioned to show the necessity for a comprehensive overhauling of the law relating to Native succession.

This Court feels that there is no room for doubt as to the intention of the legislature in framing the regulations under Government Notice No. 1664 of 1929. As the late Daniel Shata had during his lifetime contracted a marriage in community of property, his estate must devolve as though he had been a European and the fact that he contracted a second marriage, which itself did not fall within the terms of paragraph (c), does not affect the position. That being so, it becomes necessary to ascertain whether the appellant (Julia Shata) is entitled to the benefits of Act No. 13 of 1934. In the Court below it was argued that this Act was passed to protect Europeans as a class and that it could not override Act No. 38 of 1927, which indicated the intention of the legislature that succession in Native estates should be according to Native custom, and, as the Native estates, would mean practical total exclusion of succession by Native children.

There is nothing in Act No. 13 of 1934 to show that it was passed to protect any particular class, for it speaks of the surviving spouse of "every person", and, consequently, if this Act repealed by implication Act No. 38 of 1927 then, undoubtedly, every Native estate would be affected. It is, however, a well recognised principle in the interpretation of statutes that a subsequent general Act does not affect a prior special Act merely by implication and the maxim *generalia specialibus non derogant* applies. As it was put by the Privy

Council in Barker vs. Edgar (1898 A.C. at page 754):—"When the legislature has given its attention to a separate subject and made provision for it, the presumption is that a subsequent general enactment is not intended to interfere with the special provision unless it manifests that intention very clearly". In Garnett vs. Bradley (3 App. Cases 944) Lord Hatherley said:—"An Act directed towards a special object or special class of objects will not be repealed by a subsequent general Act embracing in its generality those particular objects unless some reference be made, directly or by necessary inference, to the preceding special Act".

The subject of succession to the estates of Natives is fully dealt with in Act No. 38 of 1927, and there is nothing in Act No. 13 of 1934, which, directly or by necessary inference, indicates that the legislature intended in any way to deal with those estates. Accordingly, where the property in a Native estate is in terms of the regulations under Government Notice No. 1664 of 1929 to be administered in accordance with native law and custom, Act No. 13 of 1934 is inoperative, but where the property has to devolve as if the deceased had been a European, Act No. 13 of 1934 will apply and, in terms of section 1 (1) (b) thereof, the surviving spouse is entitled to succeed to the extent of a child's share or to so much as does not exceed £600 in value (whichever is the larger).

As the estate in question is admitted to be under £600 in value Julia Shata would appear to be entitled to succeed to the whole estate and is entitled to the interdict claimed.

The appeal is allowed with costs and the judgment in the Court below altered to "Interdict confirmed with costs"; the costs of appeal and costs in the Court below to come out of the estate.

As the issues in this case were complicated and necessitated exhaustive research into the law of succession, the fee for conducting the appeal is increased to £3. 3s.

NOTES ON THE QUALIFICATIVE CONCORDS IN FOUR LANGUAGES OF THE WEST CENTRAL ZONE

C. M. N. WHITE

The languages dealt with in this paper are Lwena, Chokwe, Luchazi and Lunda. The present paper is a continuation of the comparative studies commenced in my previous paper[1] on Noun prefixes, and the distribution of these tribes was set out briefly in that paper.

In discussing the qualificative concords I have to discuss the numeral concords, since, as I shall show, certain adjectival concords exist which are identical with the numeral concords. The qualificative concords may be classified as follows.

1. *The Disyllabic adjective concord.*

The disyllabic concord occurs in Lunda, Lwena and Luchazi but not in Chokwe. Its concords in the three languages are as follows, class numbers being those of my Noun prefix paper.

	LWENA		LUCHAZI		LUNDA	
Class.[2]	*Sing.*	*Plur.*	*Sing.*	*Plur.*	*Sing.*	*Plur.*
1.	*wamu*	*vava*	*wamu*	*vava*	*wamu*	*ama*
2.	*wamu*	*vava*	*wamu*	*vava*	*wamu*	*ama*
3. a.	*wawu*	*yayi*	*wawu*	*yayi*	*wawu*	*yayi*
b.	*same as Class 1.*					
4. a.	*lyali*	*ama*	*lyali*	*aa*	*dyadyi*	*ama*
b.	*Same as Class 1.*					
5. a.	*chachi*	*vyavi*	*chachi*	*vyavi*	*chachi*	*yayi*
b.	*Same as Class 1.*					
6. a.	*yayi*	*jaji*	*yayi*	*zyazi*	*yayi*	*jaji*
b.	*Same as Class 1.*					
7. a.	*lwalu*	*jaji*	*lwalu*	*zyazi*	*lwalu*	*jaji*
b.	*Same as Class 1.*					
8. a.	*kaka*	*twatu*	*kaka*	*twatu*	*kaka*	*twatu*
b.	*Same as Class 1.*					
9. a.	*wawu*	*ama*	*vwavu*	*aa*	*wawu*	*ama*
10. a.	*chachi*	—	*chachi*	—	*kwaku*	—
12. locat.	*haha*, *kwaku*, *mwamu* (in all three languages.)					

In Lwena and Luchazi the disyllabic prefix is used with most adjectives, in Lunda about half use the disyllabic and half the monosyllabic prefix.

Examination of the above table shows the common elements derived from the noun prefixes running consistently throughout. Attention is drawn to the plural of classes 4 and 9 in Luchazi where the consonant *m* is not found and the two *a*'s fuse into a single long *a*. It will also be noted that all animate subclasses take the adjective concords of class one.

Stems using these concords are :

Lwena : *nene* (big), *suku* (long), *pi* (bad), *hehu* (light), *visu* (unripe), *sasu* (bitter), *hya* (new), *ndende* (small), *ihi* (short), *hwila* (intact), *lemu* (heavy), *tonyi* (alive), *kalu* (difficult), *vulu* (many), *vwovo* (soft).

Luchazi : *pi* (bad), *hya* (new), *ndende* (small), *ihi* (short), *toni* (alive), *kalu* (difficult), *ingi* (many).

[1] *African Studies*, Vol. III, No. 4.

[2] (a) Inanimate
(b) Animate sub-class.
For explanation of these sub-classes see White, *African Studies* : Vol. III, 1944, pp. 153-160.

Lunda : *lehi* (long), *wisu* (unripe), *ha* (new), *ihi* (short), *umi* (alive), *vulu* (many), *ovu* (soft), *wahu* (good), *kulu* (old).

A tendency to drop the first syllable of these concords when referring to the first and second persons is common to all the above languages.

Examples.

Lunda : *muntu wamuwahi* (a good person)
mahina amalehi (long cloths)
atunyama amavulu (many animals)

Lwena : *jila yayisuku* (a long way)
vyelu vyavivulu (many ground nuts)
ove u mupi (you are a bad person)

Luchazi : *vantsi vavengi* (many fish)
vipanga vyavikalu (hard work)
mata aengi (many guns)

2. *The Monosyllabic adjective concord ; first degree :*

The monosyllabic adjective concord is rare in Lwena, but more frequent in Luchazi and Lunda. It is formed by dropping the second syllable from the disyllabic concord, and does not require separate tabulation. Stems using this concord are :

Lwena : *mwanza* (good), *mokomoko* (worthless).

Luchazi : *vusu* (unripe), *kama* (big), *ngocho* (worthless), *chili* (genuine), *laha* (long), *viuka* (good).

Lunda : *cheyi* (different), *ntesha* (few), *mukunkulwayi* (worthless), *ineni* (big), *tama* (bad), *lala* (genuine), *lema* (heavy), *nyanya* (small).

Lunda presents one or two minor irregularities ; in the animates the singular concord used with *ineni* and *nyanya* is more often *mu* and not *wa*.

In this case the initial *i* of *ineni* is dropped.

Secondly, in the plural of animates, and of class 4 inanimate and of class 9, the concord is the disyllabic *ama* and not *a*, with *ineni*.

The present concord differs in several elements from the previous one. Although some of the roots used with it are true adjectives like e.g. *nyanya*, others also exist as verbs e.g. *lema*, *viuka*, *laha*.

Moreover the present concord is used in adjectival phrases where a noun, infinitive, clause, or ideophone occurs to qualify a noun or pronoun. The latter construction has been classified under the possessive, but when the possessive is discussed below it will be found that this arrangement may deserve reconsideration.

Examples.

Lwena : *pwevo wamwanza* (a nice woman)
lihina lyamokomoko (a worthless cloth).

Luchazi : *muti wakama* (a big tree)
mwana wangocho (a worthless child
mezi achili (genuine words).

Lunda : *ansefu antesha* (a few eland)
muntu muneni or *weneni* (a big person)
itala dyeneni (a big house)
mata amaneni (big guns)
mukanda wanyanya (a small book).

So too in adjectival phrases :

Lwena : *vaishi vamu Yambeji* (fish which live in the Zambesi)

Luchazi : *vantu vakufuma kulako* (people who come from far away).

Lunda : *lupasa lwato* (a full cup).

In this construction it also occurs in Chokwe, but not with adjective roots.

3. *The Monosyllabic adjective concord ; second degree :*

This monosyllabic concord is formed by dropping the first syllable from the disyllabic concord and so does not require separate tabulation. This is the only one of the three types of adjective concord to be found in Chokwe. In Lunda the only trace of it is in the survival of the concord *mu* for the animate singular in certain instances. Likewise in Lwena it exists only as a relic with the form *mu* when referring to animates in the first and second persons singular. One other word occurs in Lunda and Lwena which uses this second type of concord exclusively, viz. *kwayo* (Lwena) *kwawu* (Lunda) : this root takes the second degree of the monosyllabic adjective concord, except that in Lunda the plural of all animates and of class 4 inanimates and of class 9 is disyllabic i.e. *ama*. It is to be noted that where there is an initial *m* in the second syllable of the disyllabic prefix in *ama*, this is dropped in forming the monosyllabic second prefix i.e. *ama* becomes

a ; but where there is an initial *m* in the second syllable of *wamu* this is retained in the form *mu*.

In Luchazi occur *kwavo* (other), *hehu* (light), *vwotsi* (soft) and *sasu* (bitter), which use the second monosyllabic prefix; in addition, certain roots denoting colour and temperature which are discussed below, in Chokwe and Luchazi, take the second monosyllabic prefix.

Examples:

Chokwe: *mutu mupema*, (a good man); *hina lisuku* (a long cloth); *atu ala* (black people); *mapwo api* (bad women); *mutu muchila* (a red-skinned man); *kunga lihi* (a short spear); *mwana mukwo* (another child); *mitondo yikehe* (small trees).

Luchazi: *muntu mulava* (a black man); *ntsitu yivwotsi* (soft meat); *vihemba visasu* (bitter medicine); *vantsi vato ntola* (fresh fish).

Lwena: *mutu mukwavo* (another man); *vitondo vikwavo* (other sticks).

Lunda: *mumbanda mukwawu* (another woman); *akulumpi amakwawu* (other elders); *mahina amakwawu* (other cloths).

The interrogative adjectival root in *ka* also takes the concords of the second monosyllabic type, but may with inanimates be found with first type of monosyllabic prefix.

E.g. Lwena: *mutu muka* (What man?)
mitondo yika or *yaka* (what trees?)

In Chokwe the first form of the monosyllabic prefix is preferred with inanimates, except where these use the concord *mu-* in the singular.

The adjective concords for Chokwe which have not been given above are:

Class	*Sing.*	*Plur.*
1.	*mu*	*a*
2.	*mu*	*a*
3. a.	*wu*	*yi*
b.	*mu*	*a*
4. a.	*li*	*a*
b.	*mu*	*a*
5. a.	*chi*	*yi*
b.	*mu*	*a*
. a.	*yi*	*ji*
b.	*mu*	*a*
. a.	*mu*	*ji*
b.	*mu*	*a*
8. a.	*mu*	*a*
b.	*mu*	*a*
9. a.	*wu*	*a*
10. a.	*chi*	—
11. a.	*li*	*a*
12. locat.	*ha, ku, mu.*	

It is to be noted that inanimates of classes 7 singular and class 8 singular and plural are peculiar in their concords in Chokwe. In class 7 the concord *lu* is only used when the prefix *lu* is augmentative. In class 8 the concords *ka* and *tu* are only found when used in the diminutive sense, an interesting indication that the prefix *ka* is not primarily diminutive.

4. *The Enumerative Concord.*

The numerals and certain other words take a concord which differs from the second type of monosyllabic concord in that the singular animate concord is *wu* not *mu*[3], and in Lunda the plural animate and plural of class 4 inanimate and the plural of class 9 is always *a* and not *ama*.

This enumerative concord occurs in all four languages in the following cases:

Lunda: *mu* (one), *yedyi* (two), *satu* (three), *ni* (four), *tanu* (five), *yahi?* (how many?), *eyi* (different), *ejima* (all).

Lwena: *mwe* (one), *vali* (two), *tatu* (three), *wana* (four), *tanu* (five), *ngahi?* (how many?), *eka* (different), *osena* (all).

Luchazi: as in Lwena, but one is *mo*, and all is *ose*.

Chokwe: *mwe* (one), *ali* (two), *tatu* (three), *wana* (four), *tanu* (five), *sambanu* (six), and others as in Lwena; all is *eswe*.

In addition to the above, in Lunda and Lwena certain words describing colour and temperature assume the concords of this type; these words in Chokwe and Luchazi, as already noted, take the concords of the second degree of the monosyllabic adjectival form.

Words falling into this group are:

Lunda: *chinana* (red), *toka* (white), *iyila* (black), *tuta* (cold), *tontola* (cool, fresh), *tata* (hot).

[3] In Chokwe *wu* is used in all cases where *mu* is the adjectival concond, *lu*, *ka* and *tu* being used as augmentatives and diminutives in their strict augmentative and diminutive sense.

Lwena : *chila* (red), *toma* (white), *ilava* (black), *tuta* (cold), *zuma* (hot).

Examples :

Lunda : *muntu wumu* (one person), *matala asatu* (three houses), *atuwa ejima* (all the dogs), *nwaha jiŋahi* ? (how many calabashes ?).

Lwena : *mapwevo vavali* (two women), *vitondo viwana* (four poles), *lihina lichila* (a red cloth), *vatu vosena* (all people).

Luchazi : *muntu wumo* (one person), *zintanga zyeka* (different cloths).

Chokwe : *mazuwo asambanu* (six houses), *makunga eswe* (all the spears), *ngalo jeka* (different flat baskets).

The various words describing colour and temperature also exist as true verbs ; but when used as qualificatives it would appear that they are in fact true adjectives in view of the concords found in Luchazi and Chokwe with these words.

LWENA—*Table of Qualificative Concords.*

	Disyll. adj.		*Monosyll. adj.* (1)		*Monosyll. Adj.* (2)		*Enumerative*	
Class	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*
1	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
2	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
3 a	*wawu*	*yayi*	*wa*	*ya*	*wu*	*yi*	*wu*	*yi*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
4 a	*lyali*	*ama*	*lya*	*a*	*li*	*a*	*li*	*a*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
5 a	*chachi*	*vyavi*	*cha*	*vya*	*chi*	*vi*	*chi*	*vi*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
6 a	*yayi*	*jaji*	*ya*	*ja*	*yi*	*ji*	*yi*	*ji*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
7 a	*lwalu*	*jaji*	*lwa*	*ja*	*lu*	*ji*	*lu*	*ji*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
8 a	*kaku*	*twatu*	*ka*	*twa*	*ka*	*tu*	*ka*	*tu*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
9	*wawu*	*ama*	*wa*	*a*	*wu*	*a*	*wu*	*a*
10	*chachi*	—	*cha*	—	*chi*	—	*chi*	—
12	*haha, kwaku, mwamu*		*ha, kwa, mwa*		*ha, ku, mu*		*ha, ku, mu*	

LUCHAZI : *Table of Qualificative Concords.*

	Disyllabic adj.		*Monosyll adj.* (1)		*Monosyll. adj.* (2)		*Enumerative*	
Class	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*
1	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
2	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
3 a	*wawu*	*yayi*	*wa*	*ya*	*wu*	*yi*	*wu*	*yi*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
4 a	*lyali*	*aa*	*lya*	*a*	*li*	*a*	*li*	*a*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
5 a	*chachi*	*vyavi*	*cha*	*vya*	*chi*	*vi*	*chi*	*vi*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
6 a	*yayi*	*zyazi*	*ya*	*zya*	*yi*	*zi*	*yi*	*xi*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
7 a	*lwalu*	*zyazi*	*lwa*	*zya*	*lu*	*zi*	*lu*	*xi*

	Disyllabic adj.		*Monosyll adj.* (1)		*Monosyll adj.* (2)		*Enumerative*	
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
8 a	*kaka*	*twatu*	*ka*	*twa*	*ka*	*tu*	*ka*	*tu*
b	*wamu*	*vava*	*wa*	*va*	*mu*	*va*	*wu*	*va*
9	*vwavu*	*aa*	*vwa*	*a*	*vu*	*a*	*vu*	*a*
10	*chachi*	—	*cha*	—	*chi*	—	*chi*	—
12	*haha, kwaku, mwamu*		*ha, kwa, mwa*		*ha, ku, mu*		*ha, ku, mu*	

LUNDA: *Table of Qualificative Concords.*

	Disyll. adj.		*Monosyll. adj.* (1)		*Monosyll. adj.* (2)		*Enumerative*	
Class	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*	*Sing.*	*Pl.*
1.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
2.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
3 a.	*wawu*	*yayi*	*wa*	*ya*	*wu*	*yi*	*wu*	*yi*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
4 a.	*dyadyi*	*ama*	*dya*	*a*	*dyi*	*ama*	*dyi*	*a*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
5 a.	*chachi*	*yayi*	*cha*	*ya*	*chi*	*yi*	*chi*	*yi*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
6 a.	*yayi*	*jaji*	*ya*	*ja*	*yi*	*ji*	*yi*	*ji*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
7 a.	*lwalu*	*jiji*	*lwa*	*ja*	*lu*	*ji*	*lu*	*ji*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
8 a.	*kaka*	*twatu*	*ka*	*twa*	*ka*	*tu*	*ka*	*tu*
b.	*wamu*	*ama*	*wa*	*a*	*mu*	*ama*	*wu*	*a*
9.	*wawu*	*ama*	*wa*	*a*	*wu*	*ama*	*wu*	*a*
10.	*kwaku*	—	*kwa*	—	*ku*	—	*ku*	—
12.	*haha, kwaku, mwamu*		*ha, kwa, mwa*		*ha, ku, mu*		*ha, ku, mu*	

CHOKWE: *Table of Qualificative Concords.*

	Monosyll. Adj. (2)		*Enumerative*	
Class	*Sing.*	*Pl.*	*Sing.*	*Pl.*
1.	*mu*	*a*	*wu*	*a*
2.	*mu*	*a*	*wu*	*a*
3a.	*wu*	*yi*	*wu*	*yi*
b.	*mu*	*a*	*wu*	*a*
4a.	*li*	*a*	*li*	*a*
b.	*mu*	*a*	*wu*	*a*
5a.	*chi*	*yi*	*chi*	*yi*
b.	*mu*	*a*	*wu*	*a*
6a	*vi*	*ji*	*vi*	*ji*
b.	*mu*	*a*	*wu*	*a*
7a.	*mu (lu)*	*ji*	*wu (lu)*	*ji*
b.	*mu*	*a*	*wu*	*a*
8a.	*mu (ka)*	*a (tu)*	*wu (ka)*	*a (tu)*
b.	*mu*	*a*	*wu*	*a*
9.	*wu*	*a*	*wu*	*a*
10.	*chi*	—	*chi*	—
11.	*li*	*a*	*li*	*a*
12.	*ha, ku, mu.*		*ha, ku, mu.*	

5. *The Possessive Concords.*

The Possessive concord in many Bantu languages occurs in a single form of concord varying along the conventional lines according to the noun class But in the North western languages of Lunda, Lwena, Chokwe and Luchazi under discussion, this is not so, and the possessive exists in two quite distinct forms, although many of the actual concords are identical in both forms.

The Direct Possessive is used where the literal possession of a thing by the possessor is indicated. e.g. the dog of the man, the hoe of the child, my fowl.

The Descriptive Possessive is used where the possessor indicates some quality or attribute of the possessed, and therefore forms in effect an adjectival phrase, the possessive concord being used syntactically for this purpose.

e.g. the elders of the village, the man of strength, fish from the Zambesi.

When a possessive pronominal stem stands absolutely, e.g. as a predicate, it takes the same possessive concords as the descriptive possessive.

The possessive concords of the four languages will now be considered in turn.

LWENA

			Direct Possessive		*Descriptive Possessive*	
Class	*Type*	*Example*	*Sing.*	*Plur.*	*Sing.*	*Plur.*
1.		*mutu*	*wa*	*ja*	*wa*	*va*
2.		*ise*	*ya*	*ja*	*wa*	*va*
3.	a	*muhinyi*	*wa*	*ya*	*wa*	*ya*
	b	*mumbwe*	*wa*	*ja*	*wa*	*va*
4.	a	*lihina*	*lya*	*a*	*lya*	*a*
	b	*lunga*	*lya*	*ja*	*wa*	*va*
5.	a	*chitondo*	*cha*	*vya*	*cha*	*vya*
	b	*chilima*	*cha*	*ja*	*wa*	*va*
6.	a	*ndando*	*ya*	*ja*	*ya*	*ja*
	b	*mbachi*	*ya*	*ja*	*wa*	*va*
7.	a	*lungoji*	*lwa*	*ja*	*lwa*	*ja*
8.	a	*kalenge*	*ka*	*twa*	*ka*	*twa*
	b	*kawa*	*ka*	*twa*	*wa*	*va*
9.	a	*wuta*	*wa*	*a*	*wa*	*a*
10.	a	*kufwa*	*cha*	—	*cha*	—
11.	a	Not found in Lwena.				
12.	locat.	*ha, ku, mu*	*ha, kwa, mwa*		*ha, kwa, mwa*	

An analysis of this table leads to the following conclusions :

(a) In the direct possessive there is a sharp distinction between the plural concords of the animate nouns and those of the inanimate nouns. The only exception to this is Class 8 where they are identical.

(b) In the descriptive possessive the animate nouns all use the possessive concords of Class 1, the animate class, irrespective of their class, whereas with the direct possessive in the singular, these animate sub classes always use the concord of the inanimates of the same class.

(c) In the direct possessive plural the concord used by all the animates (except class 8) is always *ja*. We have thus a common concord running through all the animates.

(d) Attention is drawn in passing to the fact that the concord of the infinitive is *cha* and not *kwa* the usual form found in Bantu languages.

Examples. *Vakulwane jami* (my elders) but *vakulwane vamukanda* (the elders of the circumcision camp).
mbachi yakanyike (the youth's tortoise) but *mbachi wakulwiji* (a tortoise from the river).
Kasumbi napu wami (The fowl is mine).

CHOKWE

Class	Type	Example	Direct Possessive Sing.	Direct Possessive Plur.	Descriptive Possessive Sing.	Descriptive Possessive Plur.
1.		*mukulwana*	*wa*	*ja*	*wa*	*a*
2.		*kaka*	*ya*	*ja*	*wa*	*a*
3.	a	*munangena*	*wa*	*ya*	*wa*	*ya*
	b.	*musevu*	*wa*	*ja*	*wa*	*a*
4.	a	*lyonda*	*lya*	*ja*	*lya*	*a*
	b	*lunga*	*lya*	*ja*	*wa*	*a*
5.	a	*chisoka*	*cha*	*ya*	*cha*	*ya*
	b	*chikafu*	*cha*	*ja*	*wa*	*a*
6.	a	*ndako*	*ya*	*ja*	*ya*	*ja*
	b	*mbalu*	*ya*	*ja*	*wa*	*a*
7.[4]	a	*lufuma*	*wa*	*ja*	*wa*	*ja*
	b	*lukaka*	*wa*	*ja*	*wa*	*a*
8.[4]	a	*kanunu*	*ka*	*twa*	*wa*	*a*
	b	*kandaka*	*ka*	*twa*	*wa*	*a*
9.	a	*wina*	*wa*	*ja*	*wa*	*a*
10.	a	*kusuhwa*	*cha*	—	*cha*	—
11.	a	*kulu*	*lya*	*ja*	*lya*	*a*
12.	Locatives—same as in Lwena.					

Examination of this table, done in conjunction with the preceding one for Lwena, invites attention to the following points :

(a) The plural direct possessive animate concord *ja*, found in Lwena (except in class 8), is also found in Chokwe, but in addition in Chokwe we find that all nouns which have their plural prefix in *ma* use the *ja* concord for the direct possessive concord plural. In other words the *ja* concord is found wherever *a* is the dominant vowel in the plural noun prefix, irrespective of whether this noun is animate or not.

(b) In the descriptive possessive the same dichotomy between animates and inanimates, already noted in Lwena, occurs.

(c) The concord of the infinitive is *cha* not *kwa*.

(d) The singular possessive concord of class 7, inanimate section, is *wa* and not *lwa*, as might be expected from the noun prefix and the form prevailing in other Bantu languages. I can offer no suggestion for this irregularity; Chokwe under Lwena influence often use *lwa*, but the correct and purer form is *wa*. So too the descriptive singular concord of class 8 is *wa*.

Examples

kako yaKatende (Katende's grandfather).
kako wakumahyo (His grandfather from his home).
tala kasumbi kami (Look at my fowl).
yono kasumbi hiwami (This fowl is mine).
mata ja Achokwe (The bows of the Chokwe).
mata akwasa tushitu (Bows for shooting game).

[4] *lwa* is used however for true augmentative cases of the *lu* prefix, and *ka* and *twa* in the descriptive, when they are true diminutives.

LUCHAZI

Class	Type	Example	Direct Possessive		Descriptive Possessive	
			Sing.	Plur.	Sing.	Plur.
1.		*mukuluntu*	*wa*	*va*	*wa*	*va*
2.		*kuku*	*ya*	*va, zya*	*wa*	*va*
3.	a	*muti*	*wa*	*ya*	*wa*	*ya*
	b	*munkondo*	*wa*	*va*	*wa*	*va*
4.	a	*liyaki*	*lya*	*a*	*lya*	*a*
	b	*yala*	*lya*	*va*	*wa*	*va*
5.	a	*chiti*	*cha*	*vya*	*cha*	*vya*
	b	*chiningi*	*cha*	*va*	*wa*	*va*
6.	a	*ngandza*	*ya*	*zya*	*ya*	*zya*
	b	*mbambi*	*ya*	*va*	*wa*	*va*
7.	a	*luntsumo*	*lwa*	*zya*	*lwa*	*zya*
	b	*luvwakiti*	*lwa*	*va*	*wa*	*va*
8.	a	*kantsuki*	*ka*	*twa*	*ka*	*twa*
	b	*katale*	*ka*	*twa*	*wa*	*va*
9.	a	*vuta*	*vwa*	*a*	*vwa*	*a*
10.	a	*kutsa*	*cha*	—	*cha*	—
11.	a	Not found in Luchazi.				
12.		Locatives—same as in Lwena.				

The possessive concords in Luchazi present some marked divergences from those discussed in Chokwe and Lwena. The distinction between animates and inanimates is preserved but modified. The significant features may be summarised as follows:

(a) Although the animates are distinguished from the inanimates by their concords, the animates taking the concords of class I in both singular and plural in the descriptive, and in the plural in the direct possessive, the distinction between the plural animate direct concord and the plural animate descriptive concord no longer obtains. The *ja* concord in the possessive plural has vanished. It might be added that Luchazi are heard to use a form *zya* where the Lwena use the *ja* concord with animates, but this appears to be due to Lwena influence. It is just possible that it may be correlated with a particular dialect of Luchazi, but the evidence for that is nebulous.

(b) The concords of classes 8 and 10 remain the same as in Lwena and Chokwe.

(c) In Luchazi the distinction between the animates and inanimates is essentially a difference in the two types of possessives. But the difference between the direct and descriptive possessive is limited to differences in the singular concords only and the plural of class 8 animates.

Examples:

Vakuluntu vange (my elders); *vakuluntu valimbo* (the village elders)

Katale kange nazimbala (my dog is lost)

Katale wahembo lyetu (a dog from our village)

Yala lyeni (her husband)

Ou yala iya? Ikeye weni. (Who is that man? It is her—husband).

LUNDA

Class	*Type*	*Example*	*Direct Possessive* *Sing.*	*Plur.*	*Descriptive Possessive* *Sing.*	*Plur.*
1.		*muntu*	*wa*	*ja*	*wa*	*a*
2.		*tata*	*ya*	*ja*	*wa*	*a*
3.	a	*mutondu*	*wa*	*ya*	*wa*	*ya*
	b	*mukoku*	*wa*	*ja*	*wa*	*a*
4.	a	*ilanda*	*dya*	*a*	*dya*	*a*
	b	*ikwendi*	*dya*	*ja*	*wa*	*a*
5.	a	*chitembi*	*cha*	*ya*	*cha*	*ya*
	b	*chilolu*	*cha*	*ja*	*wa*	*a*
6.	a	*mpanda*	*ya*	*ja*	*ya*	*ja*
	b	*mbembi*	*ya*	*ja*	*wa*	*a*
7.	a	*lunduyu*	*lwa*	*ja*	*lwa*	*ja*
8.	a	*kanwa*	*ka*	*twa*	*ka*	*twa*
	b	*kawa*	*ka*	*twa*	*wa*	*a*
9.	a	*wuta*	*wa*	*a*	*wa*	*a*
10.	a	*kutama*	*kwa*	—	*kwa*	—
11.	a	Not found in Lunda.				
12.	locat.	*ha, ku, mu.*	*ha, kwa, mwa.*		*ha, kwa, mwa.*	

The possessive in Lunda is very like that found in Lwena; the distinction between animates and inanimates, and between the direct and descriptive possessives, is identical.

Apart from these differences, already set out in detail under Lwena above, the main peculiarity worthy of note is the concord *kwa* in class 10 and not *cha* as in the three preceding languages.

Over much of the Mwinilunga district the direct possessive singular concord for all animates except class 8, is often heard as *wa* instead of the individual concords listed above differing according to noun class. This would still further accentuate the dichotomy of animate and inanimate and it is noted, that in Lunda the two categories are more clearly defined by their noun prefixes than in any of the other three languages. This peculiarity at Mwinilunga may represent an earlier usage which has been replaced partly by the influence of the adjacent languages, or may be itself a divergence from the normal concords due to alien influence. As yet there is no data to settle the point.

The illustrations under Lwena sufficiently illustrate those concords in Lunda.

In analysing these distinct types of possessive concord two facts appear to be of significance. In the first place the descriptive possessive is really being used as an adjectival concord to bring a noun into concordance with some qualifying noun or phrase. And when we examine the adjectival concords we find that the monosyllabic concord of the first degree is identical with the descriptive possessive concord. This discovery might justify the abandonment of the term descriptive possessive, since it is nothing more than one of the adjectival concords. But here caution must be exercised for, as pointed out, these possessive concords do exist when a true possessive stem stands as a predicate.

Moreover the uses of the descriptive possessive concords are identical syntactically with the direct possessive, but describe the possession of a quality or attribute instead of the physical possession of a thing by the possessor. We may therefore recognise two types of possessive concords:

1. The direct possessive.
2. The descriptive possessive which happens to use the same concords as certain adjectival stems, and which is used in two quite distinct cases.
   (a) The true descriptive as described above.
   (b) The true possessive when standing in a predicative position.

THE STORY OF AMANHLAPO

J. M. NHLAPO

The following is the story of the AmaNhlapo in very broad outline. Some of the facts were collected at a meeting of old men held some twenty years ago. For the larger portion of the material the writer is indebted to his father who, at the great age of seventy-eight, is one of very few surviving sources of authentic information on the clan.

Except in one or two cases, the new Zulu orthography has been used in spelling Zulu names and words.

This article serves to indicate the line along which the writer hopes to conduct some research when he shall be in a position to have some funds and time at his disposal.

AMANHLAPHO AND THEIR CHIEFS

AmaNhlapho are one of the many clans which form the Zulu section of the Bantu people. Many years ago there was born among the Zulu a man called Nhlapho, whose ancestry and the meaning of whose name are unknown. Nhlapho was the father (and the first chief) of the Nhlapho clan, which has ever since had its own head or chief. With very few exceptions, all members of the clan use Nhlapho as their surname.

Nhlapho's eldest son was Mwelase. Mwelase, as the heir, should have been chief all his life, but his ill-treatment of his people made them turn away from him to his younger and kinder brother, Mbonane, from whom the line of Nhlapho chiefs has since descended. We may mention that Mwelase had a son called Dube who was so named because his father had been forced to abandon the chieftainship. Dube is from *ukuduba*, to decline, or to discard.

The genealogy of the Nhlapho chiefs, and, in some cases, their brothers may be given at this stage. Nhlapho, as already stated, had two sons, Mwelase and Mbonane. Mbonane begat Luvuno (Luvuno-a-Mbonane), who begat Bhunu ; Bhunu begat Mavundla whose sons were Mlambo (otherwise known as Mveli), Fafaza and Mzamane. Mlambo (Mlambo-a-Mavundla) begat Mhlangala and Khulwane. Mhlangala begat Belo and Mkhonjane. Belo begat Nokushona, Mabheshwane, Ndwenjane, Maseru and Meselane. Nokushona had only one son, Adam, who is " on the throne " to-day.

Where two or more sons are named, the one named first is the one who was chief.

IN NATAL

As already indicated, the original home of the AmaNhlapho was Natal. They lived in that country until the reign of Bhunu. They were loyal subjects of the Zulu chiefs. They were a small peaceful group of people, who reared large herds of cattle in an area known as Mashishini, near Pietermaritzburg. After a period of peace and quiet, there came upon the scene Matiwane, chief of the AmaNgwane, who frequently invaded this area with his *impis*, and drove away some of the AmaNhlapho's cattle.

The then small Nhlapho clan, which was no match for Matiwane's large and powerful armies, realised the futility of putting up a fight, and decided to seek a new and safer home towards the North.

AT MPISIKAZI

After moving slowly northward, Bhunu and his people at last settled down in the present district of Ermelo in the Transvaal, in an area called Mpisikazi. This area was under a man called Magubhela Dlamini, to whom Bhunu gave his daughter, Bhabhakazi, in marriage, in order to strengthen their alliance. At Mpisikazi the AmaNhlapho found a huge cave which served as a refuge in times of war.

Even though the AmaNhlapho were among the AmaSwazi, they still owed allegiance and paid tribute to the Zulu King.

Not very long after the arrival of the AmaNhlapho in Mpisikazi, a quarrel arose between

the Nhlapho and the Dlamini herd-boys. The cause of the quarrel was that the Dlamini boys stopped the cattle of the AmaNhlapho from eating the mealie-stalks in the fields. The Dlamini men came out to help their boys, who were no match for the Nhlapho stick-wielders. The Nhlapho men also came out to help their boys. The boys' quarrel became a fight between the Dlamini and the Nhlapho clans. The latter merged victorious, leaving Magubhela Dlamini and many of his followers lying dead on the battlefield.

The results of this quarrel were (a) the AmaNhlapho took over the Mpisikazi territory, and (b) they gained the reputation of being hard-headed people for, while the wounded heads of the Dlamini men were red with blood, those of the AmaNhlapho remained unscathed. The apparently hard skulls of the AmaNhlapho earned them the name of *Izigegede ezimakhanda alukhuni* (the *Izigegede* whose heads are hard). The term *Izigegede* or *Izigenge*, whose very sound is hard, indicates something large and hard. The exact origin or etymology of the term is unknown to the writer. It was possibly coined by someone who felt the need for a word to express the idea of hardness.

The death of Magubhela Dlamini, whose blood the AmaNhlapho regarded as less royal than that of Princess Bhabhakazi, Chief Bhunu's daughter, gave rise to the following *izibongo* (praises) :—

Izigenge zakwa-Mathole
Ezadla umka-dadewabo
Zathi kananyongo kanamhlehlo
Umhlehlo ngu-Bhabhakazi.

The free translation of the above is :—

The *Izigenge* of Mathole,
Who devoured their brother-in-law
And said he was a mere commoner
Only Bhabhakazi had royal blood.

Bhunu lived and reigned for a very long time. Mavundla, his heir, grew to manhood and married. When he saw that he was advancing in years, he feared he might never live to be chief. It was the custom and sign of chieftainship occasionally for the head of the tribe to bathe himself in the cattle kraal with the royal medicine known as the *isithundu*. One day some men saw Mavundla bathing with the *isithundu* in the cattle kraal, and they hastened to tell Bhunu, who regarded Mavundla's act not only as a heinous crime but as a premature and thus illegal usurpation of his chieftainship. He ordered his men to kill Mavundla, and that was done without delay.

The killing of Mavundla struck such terror into the heart of Mdlasomo (MaNhlanhla), Mavundla's wife, and the rest of the people, that Mlambo, Mavundla's son, was hastened to Gama Sibeko's place, where he grew up in safety. Gama Sibeko was a chief of the Sibeko section of the Swazis.

After the death of Bhunu, Gama refused to allow Mlambo to return to his home to rule, unless he received compensation for bringing him up and maintaining him.

Gama Sibeko's attitude led to a split in the Nhlapho clan. There were those who were bent on having Mlambo back at any cost, and those who backed up Fafaza, Mlambo's brother, who was bent upon exploiting the crisis precipitated by Sibeko. " Why worry about Mlambo when I am ready to become your chief " he asked. " Indeed why do we worry ? ", many echoed the question.

Fafaza with the aid of his satellites became very busy making all kinds of preparation for ascending his brother's throne. He went from place to place together with his supporters, preaching the futility of giving Sibeko any compensation, and boosting up his own virtues and qualifications as a candidate for the chieftainship of his late father's people. Fafaza's scheme, as we shall notice, was, however, destined to fail dismally and almost disastrously for him.

Mzamane, Fafaza's brother, a clever doctor known as *Mahambemba* from his common practice of digging roots wherever he went, was so bent on having Mlambo back, that he gathered an *impi* which he led to Sibeko's to fetch him, if need be, by force. Sibeko was, however, satisfied with the gift of some oxen, and he released Mlambo, whose return home made Fafaza escape, driving a herd of oxen before him. Had it not been for

Mlambo's intervention, some would have been glad to hunt for and kill Fafaza. Mzamane thus saved and entrenched Mlambo's throne.

Let it be mentioned here that Mzamane, whose brother Zililo begat Madweba, had two among other sons, namely, Mfuzanyane who grew among the AmaHlubi and is the grandfather of the AmaNhlapho who settled among the Basuto of Witzieshoek and made themselves one with their neighbours, and Sinungwane who begat Mbulawa, Bashise's father. The name Mfuzanyane was " Sothoised " into Mofutsanyane.

An explanation of the separation of Mfuzanyane from his brother Sinungwane is necessary. Mfuzanyane, though younger than Sinungwane, was, by virtue of his being the son of Mzamane's chief wife, to be his father's successor. Sinungwane continually grumbled about this, and was not favourably disposed towards Mfuzanyane. For the latter's safety Mzamane sent him to his relatives, the AmaHlubi of Radebe, who inhabited the midlands of Natal.

MLAMBO AND MOSHESH

Shaka's armies were at the beginning of the nineteenth century laying waste the country all around them, and large waves of the Bantu were flowing west, north and south. Moshesh was anxious to remain undisturbed in his mountainous country, and this could only be done if he and Shaka could meet and be introduced to each other. Mlambo, who was well-known to both Moshesh and Shaka was asked by him, to introduce him to the Zulu king. Mlambo asked Moshesh to procure some skins of animals and feathers of the crane. These were taken to Shaka by Moshesh, accompanied by Mlambo. This historic visit acted as a cement of friendship between the great Zulu monarch and the great Sotho nation-builder for, as a result of it, the Zulu never attacked Moshesh's people. For this great service Moshesh invited Mlambo and his people to go and live with him in Basutoland, and even named one of his sons, who was born then, Mlambo (" Molapo " in Sotho.) Mlambo, however, died at Mpisikazi.

Mlambo *alias* Mveli, who was apparently a short man, was one of the most popular chiefs of the AmaNhlapho. His people to this day still praise him as follows :—

U-Mveli ngoka-Mavundla no-Mdlasomo,
Umfutshane ungubo ziyanyathelua
Kanti nezabade ziyanyathelua.
Kwabo-Mveli akuvalwa ngomvalo
Kuvalwa ngamakhand' amadoda.
Isiboshwa ngamagoda siwadabule
Isihlahla sika-Mdlasomo
Babesigawula siwaqande amazembe.

The free translation of the above lines is :—

Mveli belongs to Mavundla and Mdlasomo.
He is so short that men tread on his cloak,
Of course they tread on tall men's cloaks too.
At Mveli's home no ordinary doors are used
For with men's skulls are the doors shut.
He is the breaker of fetters with which he is bound
And he is Mdlasomo's tree
Which makes axes blunt.

THE GOLDEN AGE ENDS

We have already pointed out that Mlambo had two sons, Mhlangala and Khulwane. Khulwane was the rightful heir to the throne by reason of his being the eldest son of the chief's " great house ". Mlambo, however, favoured Mhlangala, and, unknown to Khulwane, he and his chief councillors appointed Mhlangala as the heir to the throne. When Mlambo died Mhlangala was made chief of the AmaNhlapho. Khulwane, who rightly laid claim to the chieftainship for reasons already indicated, took up arms against Mhlangala with the aid of a Swazi *impi*. In this civil war Mhlangala sustained so many wounds that he came to be known as *Umanxeba aludwendwe njengomthimba* (He whose wounds are as a wedding procession).

The Swazi *impi* pursued the bleeding Mhlangala as he dragged himself to the Mpisikazi Cave. Mhlangala was on the point of being overtaken when, from a hardly-noticed cloud above his head, there came a blinding flash of lightning which struck the earth between him and his pursuers. This was too terrifying a phenomenon for the Swazi pursuers. They retraced their steps in much greater haste than they had

chased Mhlangala, with the words, " Mhlangala has sent lightning to kill us ", on their trembling lips.

This narrow escape from death came as a warning to Mhlangala that the hour of his departure from Mpisikazi had struck . He and his followers moved south to a place known as Gunwane (Daggakraal), where lived the Makgulukwe, whose young chief Mulupi had lived and grown up under the care of Mlambo. It was the AmaNhlapho who killed Polane of the Makgulukwe who had usurped Mulupi's chieftainship. Khulwane's followers remained at Mpisikazi where Batshele ruled after the death of his father, Khulwane.

GREAT TREK TO BASUTOLAND

It was not long after the AmaNhlapho had settled at Gunwane that the Dutch Voortrekkers arrived there in 1839, and disputes over the possession of land arose. After a few years, Mhlangala gathered his people and possessions, and in 1860 he made his way to Moshesh's promised land. The slow journey across the eastern part of the Orange Free State was practically undisturbed until the AmaNhlapho arrived at Rapule (near the present town of Kestell), where the Makgulukwe of chief Wetsi of Witzieshoek fell upon them and drove away their cattle. A messenger was sent to Moshesh to ask for assistance. Moshesh sent his son Molapo at the head of a Sotho army which easily overpowered the Makgulukwe and brought back the Nhlapho cattle as well as some of the Makgulukwe cattle.

The BaSotho accompanied the AmaNhlapho " trekkers " to the present district of Fouriesburg, Orange Free State.

The following are the families which accompanied the AmaNhlapho in their " Great Trek ", and which regarded Mhlangala as their chief: Buhali, Cindi, Didebe, Dlamini, Gwebu, Jelele, Khombelwako, Madonsela, Mahlamba, Mahlobo, Makhanya, Makhoba, Makhubu, Maseko, Mashinini, Maxatshwa, Mdludlu, Mhlambi, Mhlophe, Mlangeni, Mngomezulu, Msibi, Msika, Mtambo, Ncubuka, Ndlebe, Ngozo, Ngwenya, Nkosi, Nkutha, Ntobela, Nzimande, Phungwayo, Shiba, Shongwe, Sibanyoni, Sibeko, Sikhosana, Thabede, Tshabangu, Vilakazi, Yika, Zimu. These were mostly Swazi families who because of long standing association and intermarriage with the AmaNhlapho had come to regard themselves as one with them.

About three years after the arrival of the AmaNhlapho in their promised land, war broke out between the BaSotho and the Free State Dutch in June 1865. When hostilities ceased in 1867, and the Caledon River was made the boundary between the Orange Free State and Basutoland in 1869, Mhlangala crossed the Caledon and settled down in the Butha-Buthe district where his descendants still live to-day.

AMANHLAPHO IN BASUTOLAND

From 1870 the AmaNhlapho settled down in the country which Moshesh had given to them before he died in 1869. In 1868 Moshesh prayed Sir Philip Wodehouse that " he and his people might rest and live under the large folds of the flag of England ". Basutoland was annexed to the Cape in 1871 and placed under the control of European magistrates.

The BaSotho chiefs did not favour the introduction of European Magistrates, which they felt weakened their influence. They began to threaten to restrengthen their waning influence by means of the large number of guns which their subjects had acquired by work at the Diamond Fields. To avert danger, the Cape Government in 1880 demanded, under the Peace Preservation Act, that the BaSotho should surrender all their guns.

Jonathan, Molapo's son, and his clan, gave up their guns. Masupha and Lerotholi resisted the Disarmament Act and attacked Jonathan for his loyalty to the Cape Government. Thus began what is known among the AmaNhlapho as *Impi Yesibhadlabhadla* (The war of tremendous boiling), in which a very large number of the finest sons of the AmaNhlapho who joined Jonathan's army were killed.

The war came to an end after two years' fighting. The Cape abandoned Basutoland, and the BaSotho kept their guns. In 1884 Basutoland was placed directly under England.

Mhlangala died during the Disarmament War, and Belo his son became chief during the same war. That is why he came to be known as *Umabekwa ngegazi* (He who was crowned with blood).

When Belo died in 1901 his son, Nokushona, was still young, so his uncle Hhomu acted as regent assisted by Nokushona's mother, Masibeko. Nokushona's life came to an end during and as a result of the Spanish Influenza towards the end of the year 1918. The writer's father Hulumeni *alias* Isaac, son of Madweba, was there when he died and was buried.

Nokushona's son, Adam, was very young when his father died, and Ndwenjane, one of Belo's sons, assisted by Adam's very intelligent and brave mother MaMazibuko, daughter of Manzezulu Mazibuko, Chief of the Amangwe of Natal, acted as regent during his minority. Adam was formally installed in 1942.

Originally the AmaNhlapho went to Basutoland not as subjects but as an independent group which was to live side by side with the BaSotho as a seperate but friendly power. This position was, however, never seriously maintained, so that the AmaNhlapho, though occupying a clearly marked area in Basutoland and having their own chiefs are of the same status in relation to BaSotho chiefs, as all the other inhabitants of Basutoland. Their chief is, as far as the Basutoland administration is concerned, a mere sub-chief like many other BaSotho sub-chiefs.

AMANHLAPHO ELSEWHERE

When Mhlangala crossed the Caledon, Mkhonjane (Belo's brother) and others remained in the Free State and spread northward and eastward, establishing homes in the Bethlehem, Reitz, Frankfort, Vrede, and Harrismith districts. Even though Butha-Buthe is where the Nhlapho royal kraal is situated, and where about a thousand or two of the AmaNhlapho live, the majority of them are spread all over the Union of South Africa. In the Eastern Free State they are found in the Fouriesburg, Bethlehem, Lindley, Reitz, Heilbron, Frankfort, Vrede and Harrismith districts. In Natal they are found in larger numbers round about Utrecht and Charlestown.

In the Transvaal there are large numbers in the Volksrust, Ermelo, Piet Retief, Standerton, Greylingstad, Balfour North, Vereeniging, and Rand areas. Many are also found in the Matatiele district of East Griqualand in the Cape Province.

The number of all the AmaNhlapho in South Africa is about ten thousand.

BOOKS IN REVIEW

Tribal Legislation among the Tswana of the Bechuanaland Protectorate. By I. SCHAPERA. 1943. London: Lund, Humphries. 101 pp. 9s.

This is the ninth of a series of monographs on social anthropology published by the London School of Economics. It answers the growing need for more detailed and specialist studies of acculturation, to which it makes a distinctive contribution. For in this essay Professor Schapera, skilfully using a wealth of material bearing upon one of the mechanisms of culture change, presents with admirable clarity the part played by the chief as legislator, in contributing to and modifying change, during the period following contact with Europeans. Appendices, giving lists of individual laws made by the various Tswana chiefs and the more comprehensive tribal "codes" of the Ngwaketse and Tswana, indicate how thorough and exhaustive the collection of material has been.

This raw material is woven into a lucid analysis of the process, content and scope, motivation and reception of tribal legislation which, it is shown, was inspired by responses to western ideas or by the chief's interpretation of such ideas. The chiefs, confronted with the impact of western civilization, each in his own way have attempted to adjust tribal life to the new forces impinging upon it. The different responses in a number of tribes, subject to essentially similar influences, enable the author to isolate the part played by the chief in effecting adjustments to changing conditions. The result is that we have an objective study of the role of the chief as an agent of cultural change and in addition a valuable contribution to a problem of the first importance in social anthropology, the problem of the part played by personality in culture differentiation.

In a concise analysis of the chief's power to legislate and of his place in the actual process of making laws, Schapera shows that, in the context of the influences impinging upon the culture, chiefs have had considerable scope for the exercise of their personal predelictions. The essay is not concerned with the determination of the exact status of the role of the chief in the whole process of cultural change, for this, as Schapera points out, requires a detailed study of all the other factors that have influenced Tswana culture and we are promised such a more comprehensive study in the near future. In this connection one might suggest that some attention should be given to the constitutional development of the chief's prerogative to make law. It is evident to a student of tribes in the Union that there has been considerable development in the conception, function, and values attaching to tribal legislation. To the Tswana legislation appears to be a conscious instrument of social planning and adjustment: it is used not merely to bring legal norms into harmony with social norms but also to introduce "progress" and to guide cultural development. This evolution has not taken place in the Union, and it should be interesting and illuminating, from the points of view of the role of the chief as an agent of cultural change, of the relation of legislation and change, and of the process of acculturation in general, to examine the different trends in tribes subjected to the different administrative policies of the Bechuanaland Protectorate and the Union.

A series of interesting questions likewise arise from the survey of the range of legislation that Schapera gives and his analysis of this legislation in terms both of the cultural adjustment that the several Tswana chiefs have attempted to effect thereby and of the spheres of tribal life affected. There are such questions as the incidence of tribal legislation in the different spheres of life and the extent to which cultural change is or is not reflected in legislation. Cultural change is not always given expression in formal statutory enactments or legal norms; usages have disappeared from some tribes without any specific enactment, and changes enacted in some tribes have become accepted elsewhere without formal imposition by the chiefs. "The many specific differences",

says Schapera—and I take him to refer here (p. 57) to differences in legislation—" found among the eight tribes of the Protectorate indicate that a much fuller analysis of local situations is required before anything in the nature of 'cultural laws' can be regarded as established". That conclusion is clearly warranted by the facts, but should one not go further and investigate how far differences in legislative content reflect substantial differences in the culture of the tribes in question? If there be regularities underlying general cultural change, they will receive formal expression in legal norms to some extent at least in accordance with variations in those norms, so that a study of the development of such norms becomes necessary. Then again, on the analysis made by the author, legislative activities of chiefs are limited to certain channels, but it seems to the reviewer to be only one aspect of the explanation to say that these are " the channels through which European influences most readily penetrated into Tswana life or in which practices were found that met with the disapproval of the administration or mission churches". Such an interpretation leaves out of account the relative amenability to legislative regulation of different spheres of life or conduct, which has to be considered in relation to the development of legislation patterns and legal norms. It is difficult to see how the author's explanation covers the cases (mentioned by him) of ancestor-worship and magic—which are disapproved by missions—and of labour migration, a channel through which European influences have revolutionized Tswana life. For, contrary to what one would expect, none of these have given rise to tribal laws. It would seem that a more complex explanation is called for, in terms not merely of spheres of life immediately affected by the activities of European influences, but also the province of legislation, cultural resistances, threats to a sense of security, and conceptions as to avenues of achievement or prestige.

It is with the direct changes brought about by legislative enactments, not with repercussions of such enactments in the culture, that the essay deals. In discussing the effectiveness of tribal legislation Schapera is, for instance, concerned to show whether legislative innovations were accepted or rejected; the repercussions are dealt with in terms of reception, hostility, difficulties of enforcement, not in terms of disturbances in other aspects of the culture. We do not, therefore, obtain a picture of the total range of change brought about by legislation, nor of the functional interrelatedness of different legislative enactments. Such an extension of the inquiry would be very valuable, not merely because the role of legislation as a mechanism of acculturation cannot be restricted to its formal aspects, but also because of the differences as regards culture change that one must expect between the effects of legislation that does and does not merely constitute formal legal recognition of a change already effected by other agencies. It is possible that the material for such a study is not available at present. But some consideration of indirect effects, as well as of the interrelation and repercussions upon one another of various mechanisms of acculturation, would seem to be necessary if effective comparisons with the situation among the Southern Bantu in the Union are to be attempted and the full role of the chief as an agent of change is to be assessed.

The great value of the essay lies both in what it contains and in the lines of investigation that it suggests, in laying the foundations of more intensive and specialized studies of acculturation and insisting upon meticulous analysis of local conditions, tribal politics, and individual biography. It is a welcome departure from the unscientific theorizing that often vitiates studies of this nature. It is very readable, full of carefully chosen and illuminating examples that make more concrete and add interest to the analysis and, although cautious in regard to any generalization about the process of acculturation, it is fruitful in suggestions about further inquiry.

J. D. KRIGE.

Colonies. By ERIC A. WALKER. London: *Cambridge University Press*. 168 pp. 3s. 6d.

The searchlight of war has illumined the colonies and colonial questions. Amid pamphlets

and apologetics on behalf of all racial and political groups it is refreshing to find Professor Walker's dispassionate survey of colonies and colonisation. It is salutary to turn from the politics and passion of the literature of African colonial problems to this panorama of colonies in a world setting.

The author seeks to give some idea of the variety of colonial societies and conditions of life, to set out the policies of the chief colonising Powers, first towards other Powers in relation to their empires and then towards their respective colonial peoples and, lastly, to inquire into some of the problems that attend the liberation of colonies. The word "colonies" is used in a broad way to mean overseas and outlying parts, whether or not these are officially described as colonies. The six leading Powers whose relations with their outlying territories are studied are : Britain, France, Belgium, the Netherlands, the U.S.A., and the U.S.S.R. While the last three reject the colonial idea, they are colonising powers in Professor Walker's interpretation. It would have been of interest to African readers to see where Portugal, one of the first imperial powers going back to the fifteenth century, stands in relation to the big six ; and to hear more about the U.S.S.R. as a colonising power so that Mr. Leonard Barnes's recent book on the subject could be seen in proper perspective.

It is cheering at a time when there is so much criticism of the British colonial record within the family and amongst well-meaning friends to find it the subject of a measured scrutiny and to see that the combination of great empires and little minds is not solely a British export. Professor Walker rightly emphasizes that to see in the colonial empires of the present day " the results of systematic planning by acquisitive imperialists " is to over-simplify history.

Many will welcome the author's appreciative references to the work that has been done by missions.

While there have been all too many examples of " hating each other for the love of God " and the Christian mission interpreted in terms of narrow sectarianism, it is a misfortune that many of the most vociferous advocates of social reform in the colonial field underrate the achievements of missionary enterprise in social betterment or perceive this enterprise only within the narrow limits of evangelisation.

Professor Walker sees the colour bar as the greatest problem in the way of political and economic development in the colonies. Its odour penetrates everywhere in those areas to which it has spread. He finds it strongest and most far-reaching in the social sphere. To those who have watched its spread northwards through Africa in the tracks of industrial development, it is doubtful whether the threat of racial admixture is a greater factor than the fear the White worker has that cheaper labour will pull down his own standard of living. Racial admixture is almost an academic (or a country club) issue in comparison to the threat to economic security.

The case against the international control of colonies is concisely put. It is held to be unworkable in practice and unwanted by colonial peoples " for whom better the devil they know than seven unknown devils in committee." The most hopeful alternative during the period of growth towards liberation or assimilation is national rule under international supervision. " Scheduled liberation " in the two examples quoted, Palestine and the Philippines, has not worked altogether smoothly although in each case the time-table has been upset by the war.

What impresses one most in this book are its measure and good judgment, its orderly condensation of a wide subject into small compass, the astringent style that employs no idle words. A copy should be available at every settlers' club and chamber of commerce in Africa, and colonial Fabians and others who think in terms of a standardised colonial subject " struggling to be free " might well ponder its pages.

C.J.O.

The Languages and Press of Africa. By D. MACDOUGALD. Philadelphia : *University of Pennsylvania Press*, London : Milford. 86 pp. 1944. $1.50.

This is an attempted census survey of " the better-known " languages spoken in Africa. It is

divided into three parts: 1. The principal languages of Africa, 2. Language Census of Africa, and 3. African Newspapers. The plan of the work is laudable, but the results are far from satisfactory.

In his introduction Dr. H. A. Wieschoff refers to the tables of "linguistic relationships of Native African languages" (given on pp. 46-49) as what "we customarily follow," though not considering them as final. These are by no means what students in Africa "follow." I need only refer to one or two points. Hausa is put among the Sudanic instead of the Hamitic. The Bantu classification is purely "geographic" and often bears no relationship to fact. For instance Bemba, Ila, and Shona are grouped together as "South Central," while Luba is bracketted with Kongo, when Luba and Bemba are closely related Central Bantu groups, poles apart from Shona on the one hand and Kongo on the other. Again Umbundu and Kimbundu (better Ndongo) are included among the "South West"; Mbundu does belong there, but Ndongo (Kimbundu) belongs to the Kongo grouping. Similar detailed criticism could be made in many more places. Schapera's "Khoisan" classification is followed, instead of putting Nama among the Hamitic languages, and the *!khũ* Bushman is entered as "Kung".

Dr. Wieschoff further states that the author has made "a census of the most important languages, showing as accurately as possible how many Africans are to-day conversant with specific dialects". Here again, investigation does not bear out this claim. I do not know on what criteria the author bases his selection of "principal languages"; he has arranged them in order according to population from Arabic with 37,585,000 speakers down to Vai with 185,000. If population is the criterion, why include languages with less than half-a-million like Tigrĩña, Tigré and Vai, especially as the author estimates for the first only 35,000 literates, for the second a "negligible" number and for the third 12,500? Why, too, does he not include really important languages such as Sotho (figures given as follows: Southern Sotho 1,269,000*—650,000 in the Union and 619,000 in Basutoland; Tswana 785,000—525,000 in the Union and 260,000 in Bechuanaland; Northern Sotho Pedi dialect quoted, 773,000—750,000 in the Union and 23,000 in Bechuanaland), for Shangana-Tonga (Thonga), for whom he gives 800,000 in Mozambique and 250,000 in the Union? He estimates 10 per cent to 20 per cent literates among these. What, too, of such languages as Dinka, Chokme, Tswa, or Yao?

*These figures seem much too high.

It is a great pity, too, that such a publication as this should abound in mistakes. Here are but a few: On page 12 Makua is given as 1,010,000, while the details on pages 32 and 39 give 1,000,000 and 40,000 respectively. Ganda is given as 1,000,000 on page 12, and 1,100,000 on page 41. For the Lunda, 350,000 are given for Angola and 35,000 for Northern Rhodesia; no note is taken of those in Belgian Congo. On page 36 Sena is entered as an Ndebele dialect, when it belongs to the Sena group of Mozambique (see page 33). Why is the Swahili spoken in Southern Rhodesia, Northern Rhodesia, Nyasaland, Mozambique, Uganda and even Tanganyika described as "Kingwana"? Does the author know that Ngwana is the Western or Congo type of Swahili? On page 33 Barwe is not a Shona dialect, it belongs to the Sena group. On page 35 "Tumbuku" should read "Tumbuka". On page 36 for "Yusi" the author probably means "Aushi".

The population figures and estimates of literacy do not seem to be based on sound data; in some cases the populations are definitely too high, in others too low; for instance Kung (on page 42) is estimated at 500, whereas in my publication (in *Bantu Studies*, Vol. II, 1925, p. 129) I estimated between 4,000 and 5,000 *!khũ* Bushmen in S.W.A. and Angola.

The section on the newspapers constitutes a large list of publications with no comparative estimate of importance or contribution. Large numbers of mission periodicals do not figure in the list and even among the European papers of South Africa there are glaring gaps in religious and other journals.

This is altogether a disappointing effort and it only points to the fact that such work should

preferably be carried out in Africa or by someone in close touch with current developments.

C. M. DOKE.

EzakwaZulu. By A. C. MYBURGH. 1943. Johannesburg: Printed by Die Afrikaanse Pers. 313 pp. 14s. 6d.

I believe that the time has come when books written about the Zulu and their customs and laws, either in a foreign language or in the vernacular, should not only contain a collection of material from informants and a description of it, but also a critical and comparative handling. Mr. Myburgh has followed the example of J. A. Stuart's books in recording, verbatim, whatever his informants told him. For instance, in Chapter 1, about Zulu childhood, one would expect nowadays a study of the Zulu system of home education which made the Zulu children what they were as citizens. In Chapter II we read about the ritual observed at a boy's puberty. Chapter I, which is very important, covers about ten pages, while Chapter II about twenty-six, and continues from page 40 to page 56, where Chapter III begins with marriage. Anthropologists have hammered at the initiation and marriage ceremonies time and time again, but have given us so far a meagre comparative study of these subjects among the Zulu and allied tribes. The Kriges, Bryant and other younger students have covered the field. Mr. Myburgh, speaking to the Zulu about their institutions, should have elaborated on Chapter I and given us a student's theories on home education in a savage tribe.

The chapters on marriage—where he records the procedure of young people in courtship, the parents of intended lovers accepting and giving *lobolo*, and the conducting of the whole marriage ceremony by both the old and young people—have been very well done.

When Myburgh records the information found in Chapters IX and X, one does not quite understand whether the Zulu believed in divorce or not. Witch-craft, adultery, barrenness, cruelty, and insanity are some of the causes which brought about separation among married people, but from the mouths of the informants it does not appear that the Zulus believed in divorce. Myburgh seems to take it that *Ukwahlukana* means "divorce." Zulu has no word for divorce, for it never existed in their social organisation.

The book gives us nothing new, except that it has been written in the vernacular.

This raises the question of the language used. Those who are familiar with Stuart's books will agree with me when I say they were and are still difficult to read. They recorded what the old people spoke in their own fashion. But the language of the ear and the language of the eye differ. The language of the eye needs some style to attract the reader. There must be ease and choice of words and language. Myburgh's book lacks style, perhaps owing to the training he gave his informants in the difficult art of dictating. There is jerkiness of expression. Take at random any paragraph, e.g. 265. p. 72 "*Sokuzophuma-ke amatshitshane, amashayankondlwane, aklele lapha phambili lokho okubincayo iziwondo: kuyahlaßelela umgqigqwana lowo okuthandayo, kußuye, kungene emthimbeni*".

The language of the book could have been greatly improved had the writer given the MS. to a Zulu to revise. In many cases the use of the participial mood is violated, and concords and conjunctions wrongly used. Here are a few examples:

(1) "*amantombazane-ke nomakhelwane onke akhona.*"—(p. 7, par. 19.)

(2) "*Ngoßa uluhlanya lami* (p. 15, par. 43.)

(3) "*Ma sengidlula-ke kwezintombi aßakhongi seßeßika*" (p. 41, par. 138.)

(4) "*Kuthiwa ukuthi yilokußeka ngoßa . . . .*" (p. 75, par. 280.)

Such grammatical mistakes occur abundantly in the book and render its reading very irritating.

Something better in the recording of poetry could have been done. To enter poerty in prose fashion is not advisable. The problem of metre and stanza, though regulated by a foreign rhythm is easily overcome by a student of Zulu who has made a habit of field work. Most of the valuable poetry which Myburgh collected is lost in the prose form in which it is entered. The collection

of this poetry by Myburgh is most original, however, and deserves appreciation.

It is nevertheless most encouraging to see this first attempt at a book on ethnology written by a European in the Zulu vernacular and produced very neatly by the Afrikaanse Pers.

B. W. VILAKAZI.

Hunger and Health in the Colonies. 1944. London: *Fabian Publications*. 33 pp. 1s.

This is a concise yet comprehensive survey of nutrition problems in the British colonies written in the form of a report for the Fabian Colonial Bureau. At the outset is quoted the assurance given in July 1943 by the British Foreign Secretary that, "despite the inevitable difficulties which the war entails", His Majesty's Government intend "immediately" to begin the task of increasing the food resources and improving the diets of colonial populations in accordance with the findings of the Hot Springs Conference of May 1943.

The actual food situation in the colonies is described in terms of the availability of the main food groups—grain products, vegetables and fruits, animal products including milk, fats and oils, sugar and related products, beverages and condiments etc.—and the shortcomings thus revealed are confirmed by reference to the prevalence of frankly declared deficiency diseases, high infant mortality rates and general illhealth. Special mention is made of food taboos and prejndices—the offshoot of ignorance and unenlightenment—as factors in the production of malnutrition and as potential hinderances to a forward policy.

Then follows an account of administrative plans and action designed to improve nutrition in the colonies. In April 1936 a Colonial Office dispatch called for a comprehensive survey of the position in each dependency; and in the same year the Prime Minister appointed a Committee on Nutrition in the Colonial Empire. This Committee summarised the reports received from the colonial governments in Part II of its own 1939 Report. By 1940, committees on nutrition, or wider bodies whose terms of reference included nutrition, had been appointed in some 25 dependencies. The pamphlet does not state how many of these were in Africa, and "information about their fate since 1940 is not available." It notes that more has been done in East Africa than in West Africa regarding whole-time nutritional investigation.

The pamphlet outlines proposals for the future, including strengthening of the central and peripheral administrative machinery, the establishment of central and peripheral institutions for the training of personnel and the carrying out of research, the employment of the services of anthropologists in the devising and application of nutrition programmes, and the employment of women in the front line services.

G. W. GALE.

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